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Volume IV

TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1946

No. 36

NATIONAL LABOR RELATIONS BOARD, PETITIONER

vs.

DONNELLY GARMENT COMPANY, DONNELLY GARMENT WORKERS' UNION AND INTERNATIONAL LADIES' GARMENT WORKERS' UNION

No. 39

INTERNATIONAL LADIES' GARMENT WORKERS' UNION, PETITIONER

vs.

DONNELLY GARMENT COMPANY, DONNELLY GARMENT WORKERS' UNION AND NATIONAL LABOR RELATIONS BOARD

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT

PETITIONS FOR CERTIORARI FILED JANUARY 28, 1946
CERTIORARI GRANTED APRIL 22, 1946

VOLUME IV.

RECORD.

United States Circuit Court of Appeals

EIGHTH CIRCUIT.

No. 12,641

DONNELLY GARMENT COMPANY, A CORPORATION, PETITIONER,

vs.

NATIONAL LABOR RELATIONS BOARD, RESPONDENT.

DONNELLY GARMENT WORKERS' UNION, INTERVENER.

INTERNATIONAL LADIES' GARMENT WORKERS' UNION, INTERVENER.

ON PETITION FOR REVIEW OF ORDER OF NATIONAL LABOR RELATIONS BOARD.

FILED AUGUST 5, 1943.

Testimony and Exhibits in Case No. 475, Orig.

O.K.

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[fol. 5116] Q. And you would take operators then and
1057 teach them the operations:

Objection—immaterial.

A. Yes. When my business started in 1916—later on, after the War began and my business got a little larger, while it was large enough for me to need more operators, I wasn't able to get experienced operators, and so I started in having to teach my own operators.

Later on when my plant became more established and in 1920 when so many of the other plants in Kansas City closed down and I could get experienced operators, I found that, generally speaking, I was much better off with the operators I trained myself. So until about 1930, I constantly had what I
1058 called a training section. That is, I didn't the first few years; I had such a small plant and I didn't have it organized to the point of having a training section. But I found that it was a better way to do. Rather than put new operators right into the shop, I established this training section where we trained them to do three different kinds of work, so if we were short on one kind of work they could do another kind.

Q. Now, all during the time up until a few years ago, Mrs. Reed, you worked 8 hours a day right with these operators?

Objection—immaterial.

A. Until I had to go to Mayo's for a very serious operation and my health was impaired for a little while, and that was in 1931. Up until that time I didn't work 8 hours a day; I worked longer than that. But I was at the office at my plant at 8 o'clock every morning, and I usually didn't leave until 6. I worked in the factory all day long and I usually did my designing after hours. But until 1931 from 1916 I very actively was at my plant, and most

of that time my work has always been in the factory except the trips I took to New York to buy merchandise and do designing.

Q. Now, in respect to the work of operators, did you require that the quality of their work be the first consideration?

A. Yes. I feel that on the Nelly Don merchandise the most outstanding thing about that merchandise is the quality. As a matter of fact, that was the only real excuse for my
1059 existing in this business, was that I could turn out attractive little frocks that were made carefully, and the good quality of workmanship, and all the other little things I added to it in the way of designing and good fitting and generally making honest merchandise.

Q. What was the style of house garments at the time you went into this business?

Objection—immaterial.

A. Well, they were, generally speaking, very poorly made and made of very cheap merchandise, poorly designed, with no fit or style; something like a Mother Hubbard. The bungalow apron was at the height of its popularity at that time, and it was such a commonplace ordinary garment that a woman who had any pride in her appearance usually made her dresses at home, her house dresses at home, or had someone make them. To my knowledge, the best garment on the market at that time was a 69 cent or 59 cent apron.

Q. What did you do to improve garments of that kind?

Objection—immaterial.

[fol. 5117] A. Well, the first thing I did was to cut them so they would fit a woman. And then I used attractive colors and nice designs and had them made carefully.

Q. What have you done to develop your designing?

Objection—immaterial.

A. Originally I did all of the designing myself; and as the business grew and required my attention in the management of the factory and the purchasing of materials, I have employed other designers. I have developed a very excellent designing department. And
1060 in the past 10 years either myself or some of my assistants have gone to Europe every year. We have bought patterns for fabrics over there, and we have had our own materials printed in these attractive patterns, and our own dyeing in good style colors. I have brought French designers over here to—

Q. (By Mr. Cox) You call that converting, don't you?

Objection—immaterial.

A. Well, we convert practically all of our own cotton goods and some of our own silks and rayons; most of our own rayons. I have a New York office with an experienced mill man, a man who owned and managed one of the largest mills in New England for a number of years now has charge of my New York office and attends to the converting and general buying of piece goods.

Q. (By Mr. Ingraham) How much money, Mrs. Reed, has the Donnelly Garment Company spent on its designing department?

Objection—immaterial.

A. Well, we have an expense of around $100,000 a year for designing. A number of designers, two very fine designers and a number of assistant designers.

Q. What has been the result?

Objection—immaterial.

A. Well, I think that we have taken our place as the leader in this industry. We have departments, special Nelly Don departments, in practically every large city and town in the

United States. All through New England, all the large cities on the West Coast, and in the East; in fact, all over the country.

1061 Q. Has the business been built up, Mrs. Reed, on style and fit and fine workmanship of the garments manufactured?

A. Yes, that's what it has been built on.

Q. The company has constantly been making a higher type garment and through the years?

A. We have constantly striven to make better quality merchandise and improve it in every way.

Q. Now, did that require a higher type of workmanship than was necessary in making the garments that were first manufactured?

[fol. 5118] A. Yes. With the help of Mr. Atchison and Mrs. Reeves and Mrs. Wherry and a number of other people in my employ, we have developed a plan in the factory that has enabled us to turn out a very good quality garment at a low enough price to make it possible for us to compete with any plant, even though their prices were lower priced. I have a planning department that works on the piecework, made up of several people who have been with me practically from the start, 15 or 16 years. And in my plant the supervisors are all taken from the machines, some of them having worked on the sewing machines at piecework rates for a number of years.

1062 Q. Mrs. Reed, how much rent do you pay a year for your factory?

Objection—immaterial.

A. Well, for just the factory at 1827 Walnut I pay $30,000 a year now. Up until 2 years ago, I paid $33,000 for five floors. Now I have gotten more space at a lower rent. That is, I pay the same rent for seven floors now that I paid for five. But that was on a very short term lease. They wouldn't give me a long lease on that because they thought that prices would come up again.

1063 Q. Now just describe, Mrs. Reed, the character of the building; the light and the heating and the hospital and the other conveniences.

Objection—immaterial.

A. Well, we have a first class factory building. It has excellent heating facilities. We maintain a hospital room with two trained nurses and five beds. I don't know whether it would interest anyone to know that we keep five janitors and five colored maids keeping the place clean all the time. We have the same type of wash rooms for our girls in our factory that we have in our office. I suppose the fact that I was in the factory so many years myself made me have a feeling that my girls in the factory were entitled to the same accommodations and services that the girls in the offices are used to expecting.

There has never been a back entrance at any time in my factory, even when I first started in a little store room out on Brooklyn Avenue. There has been one entrance that I came in and my office girls and designing room girls and the girls that worked in the factory came in.

The hospital room is maintained for everybody in the plant. If I am ill myself or feel badly, I go down to help from the nurse; or someone from my designing room or my office. There is one cafeteria. I don't run the cafeteria, but I give the space free to the woman who does run it so that she can serve food at a low cost. And that one cafeteria: The girls from the office or any place else—we all go to the same one.

Q. What window lighting have you?

Objection—immaterial.

A. We have excellent—I don't know what they call it, but it's lighting that's supposed to be

very good for factory use. Now, when I moved into that building, this kind of light—these windows are very good for the eyes, but women like to look out, and you couldn't see out of them; and while the postoffice men didn't ever seem to mind it, the first thing I noticed when I went in there was that I couldn't see out of the windows. And I know that women object to that sort of a shut-in feeling, and so I had the windows changed, enough of them, where they could see out. I did that at partial expense to myself. Mr. Burke assumed part of that, but part of that expense was borne by myself.

Q. You spoke of the post office. Was that the Federal postoffice?

Objection—immaterial.

[fol. 5119] A. The Federal postoffice occupied the five lower floors of the building for a number of years. They just moved out when they moved into their new quarters a couple of years ago.

Q. Now, what was done about changing the floors?

Objection—immaterial.

A. Well, the floors were concrete, and I had those floors changed to wooden floors.

Q. Why?

Objection—immaterial.

A. Well, I think it is conceded that wooden floors are much easier on people to work on.

Q. Now, in regard to the windows: They have all steel frames, do they not?

Objection—immaterial.

A. Yes. It's a thoroughly fireproof building. It's a building that could be used as an office building It is not a loft. It is all plastered. And we have it painted every year or two when it needs it; nice light colors.

Q. Is it not, Mrs. Reed, considered the finest kind of building for the purpose for which it is used in this locality?

Objection—immaterial.

A. Well, as far as I know it is.

Q. Mrs. Reed, the company is using another building at Twenty Sixth and Grand?

Objection—immaterial.

A. Yes.

Q. Will you just describe that?

Objection—immaterial.

A. Well, that's a thoroughly fireproof building. That does not have wooden floors, but where women have to stand I have wooden frames so that they don't have to stand on the concrete. And, of course, the operators: when she sits at a machine, her feet are on a frame above that in this other building, so that there isn't anyone standing on concrete in that building. Otherwise that's just as high type a building as the one we are in and the best building I know of available in Kansas City.

Q. Now Mrs. Reed you have constantly tried to have work the year around, have you not?

Objection—immaterial.

A. Until 1931, with the possible exception of a few days—I won't say that there never was one day; there might have been a few days—I have run my business the year round for 15 years. My business was managed and my merchandising was done, the lines that I got up, the time of the year, and the type of people I sold, and everything was based on forcing a year round business.

And when I say "forcing" a year round business, I don't know of any other term that would be stronger to use. If I did, I would. Because when I went into this business there was no such thing as a year round business with anybody making women's dresses or aprons or anything connected with women's clothing as far as I know.

[fol. 5120] Q. What was necessary to be done in order to have work the year round?

Objection—immaterial.

A. In the early years of my business I simply opened new accounts in the fall. My old accounts always used a certain percentage in the fall of what they used in the spring, but it was a very small percentage. So I always opened up new territories. And, of course, eventually there were no new territories to open that would bring in the amount of business we needed to keep going the year round. So about 10 years ago I started my first line of fall dresses that had wool in them.

I had been experimenting, trying to plan how we could turn out wool garments with our type of manufacture and and our workers. And as a matter of fact, I wasn't able to do that well enough to put out a line for two years. I made sample lines two years before, but the garments didn't please me, didn't seem to me would be saleable. But eventually I was able to make the garments and managed the work in such a way that we could turn out wool dresses in our plant. And that gave us a certain amount of extra selling or another line of merchandise to help with our fall line.

Another thing, I refused to sell anybody that didn't maintain an open department the year around. In fact, right in Kansas City I had one of our accounts here, Kline's, who wanted to buy our merchandise a number of years ago, and they only had a spring department because they didn't feel there was enough volume in the fall to warrant their bothering with our department.

And I wouldn't sell them.

They went to the trouble of having one of their friends, who was connected with Macy's

in New York, with whom I was doing a very nice and very large business at the time, come out to influence me to give them my line for the spring; and I didn't do it because I was so determined to do a year round business that, even though the spring business was very tempting, I didn't sell anybody that didn't maintain this open department during the year around.

When Harzfeld's wanted to put in our merchandise a number of years ago, they intended only having a spring department. I went to see Mr. Harzfeld myself on that and finally convinced him that he could run a year around department with our merchandise. And then they put it in and have done that.

Now, that's been a great struggle in a factory that turns out merchandise in mass like we do with our system, to make merchandise that would sell; and also to make that kind of merchandise that would sell in a house dress department, which departments were established. So in the last several years our accounts have put in special Nelly Don departments where they sell any kind of merchandise I turn out.

Now, in a number of the large stores, large department stores, the departments are very definitely separated; and there was a great deal of prejudice against putting in my better dresses. But where that came up, very often I went out to see the heads of the firms myself and explained to them my desire to run my business the year around and also told them what effort I was [make] to make merchandise that would sell the year around; and in practically every case the stores have set aside this Nelly Don department and given the buyers permission to buy anything that I made.

Q. (By Mr. Cox) What is your price range? Where do you start?

Objection—immaterial.

A. Well, we start with our Handy Dandy aprons that retail for 79 cents, and we usually stop with $13.95, although I have made silk pajamas that have sold for up to $25. Generally speaking, the price is limited to $10.95 or $13.95.

Q. When you stated those prices, Mrs. Reed, you mean retail prices?

Objection—immaterial.

1069 [fol. 5121] Q. Mrs. Reed, you stated that there was some prejudice on the part of department stores to sell part of your garments. Why was there a prejudice?

Objection—immaterial.

A. Well, the other buyers thought that my merchandise looked pretty good at the prices that they were sold at. The other departments felt probably that I was turning out an awfully good garment at a pretty moderate price.

Q. Wasn't the price lower than the price for a similar kind of merchandise?

Objection—immaterial.

A. Well, when I get into my higher price, my better merchandise, there isn't any other merchandise just exactly like it on the market. It is practically entirely machine made. And the only way that I can turn this out at the price that I do is on this volume basis and on the sectional way that I make it. I have probably from 10 to 20 operations on one garment, even in my high-priced merchandise. And I think that there is no ready-made merchandise turned out on the same basis—that is, what's called the regular ready-to-wear merchandise. But this line that I make, the higher priced merchandise, has been developed

to take care of that time when there is very little sale for regular house dresses.

1070 Q. (By Mr. Cox) don't you find that by splitting your operations up the operators do better and make more?

Objection—immaterial.

A. Oh, my yes indeed. I had an experience in my very beginning when I had just five machines, and at that time each operator made a dozen garments and made the whole garment herself. And then I was making some little play suits for Emery, Bird, Thayer's; really a special order, but it was a large order, a hundred dozen, and they were very complicated in the making. And so when I started each of these women, I really was giving up my whole five machines to this particular order. They were making it in dozen bundles. And there were a number of little operations, and we were making no headway. I could see one girl would be doing one particular thing very well, and another one another thing pretty well; but each one—they were not only not making many garments, but they were not doing a very good job of them.

So I took one of the garments myself on the machine and sat down to figure out just how it should be made, which operation would go first. I would see one girl handle hers one way, one another way, and another one another. So I sat down at the machine myself with a dozen of these garments and figured out the easiest way that they could be made.

1071 Now I gave separate operations to these different girls of what they were to do. And in a week's time, instead of getting one dozen a day from each operator, I got two dozen a day from each operator. And by the end of the second week, instead of 5 dozen a day,

as we started out, we got 20 dozen garments a day, with a much better quality garment.

At first the operators didn't think they liked it as well because they thought that the other operator didn't do as good work as they did, one of two of them, and it would spoil the looks of her garment. But I was able to pay them more, and they found that the work was much easier on them because it wasn't so tedious. And by the time I had delivered those garments, I got re-orders on them and kept that little garment going for quite a while, and then sold some to other stores.

[fol. 5122] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

And that was the beginning of my sectional work. I had never worked in a factory. I didn't know anything about manufacturing except just what I learned in my own plant. But from that day on I tried to put in sectional work.

It took me a long time to really get it in because in the first days I bought my own merchandise and I sold my own merchandise, and I would be in the plant a couple of weeks, and then I would go out for a couple of weeks and buy and sell enough to run me for another couple of weeks. And while I was away usually they would start over to making their own garments. Everybody would make the same—that is, they would quit doing the sectional work. I don't know just why, but it seemed that they hadn't been used to doing it. And then I didn't have my regular factory workers. So it took me several years to get the sectional work started. But there is no comparison in my mind in that—

1072 Q. (By Mr. Cox) You find they are more efficient when they are doing sectional operation?

A. They are more efficient, and it is easier on an operator. If a girl has to figure out everything she does with a bundle, she constantly has to be thinking about her work and how she is going to put it together. I think it is much more trying on her than if she knows what she is doing and can put it right along.

Q. (By Mr. Ingraham) A girl can make more money?

A. Oh, yes. A girl can make more money on the sectional work. You can afford to pay it. As a matter of fact, if I hadn't developed the sectional work I would never have got beyond the little five machines. I couldn't have stood the competition, even though my garments were better made and more attractive. The prices would have been so high that I couldn't have competed. I certainly couldn't have kept my people working in the pleasant circumstances and done as many things for them and have them make as much money as they do.

Q. (By Mr. Ingraham) Mrs. Reed, is it not a fact that the principal purpose in working the year round is to give year round employment to your operators?

1073 A. It is. That was the real inspiration. When I worked in the plant with these girls, I became acquainted with them, and I liked them, and I wanted to—well, I found that they needed work, wanted to work, and I couldn't —well, I just couldn't stand the thought of having to turn people out every fall. And I found that I had a very nice class of women, and I felt that by having work the year around I would attract a better class of workers and that it would be so much better for them. As a matter of fact, I have found, and I believe that my reputation, outside of maybe Mr. Perlstein thinks differently, I think I have a reputation for paying the highest wages that are paid in this line of business. And that

begins with my janitors, my pressers, and my operators, cutters, my executives, all the way through. My attitude has always been to pay people as much as I could. And apparently it's been good business because I have been reasonably successful. But it's surrounded me with — at least, I have always felt they have been — a very contented and happy lot of people.

1079 Q. (By Mr. Birkhead) That is, setting a minimum wage, you mean, and then paying that whether the girls made the amount or not?

[fol. 5123] A. No, that isn't the exact thing. In the very beginning I paid my operators just so much a week. And then after I got this system of breaking up the work, I started paying them piecework and guaranteeing them the amount that they had been getting but then I could afford — Of course, when I could turn out that much more goods, I could afford to pay them more. And so I started them with piecework, and then they had their guarantee: When they made more than the guarantee, they got it.

But getting back to this girl that can do well on a special machine and isn't a very good operator: Probably while she is doing the other work, then I will pay her a little to help her along: From the very beginning, I have striven for two things: One of them was year around work. The other was to make your pieceworker, as near as it was possible, make a very fairly same average. Now, that isn't possible because when you are in your very best season and you have lots of the same work going on, you will have some "hits" that you will sell thousands of dozens of one garment. And when a girl does on making more of that, we sell it, and she can make more money; and when she does, I am very glad that she does. It turns out more production for us.

It's just like a salesman. The more a salesman makes, the more valuable he is to the owner of the business. And with a salesman, he goes out and sells his merchandise: and if you have "hits" and he can sell a lot of a number, that makes a certain amount of velvet for him.

Well, long before there was any minimum wage or NRA, I had my own minimum wage. But I have not even kept my people to that minimum wage. Now, for years and years I didn't make any promise to anybody that I would give them that. One thing is there are always a few that spoil things,—if you don't keep your courage pretty strong. But when you are having a minimum rate, there's a few women that will sit back and don't care if they don't make any more than that. As a matter of fact, they don't care whether they make that, because they will get that much.

Well, of course, if all of your people were like that, you couldn't have a minimum because that would increase your costs so very much. But in my experience and my close contact with my workers, I have found in a very large majority of cases that it is only a rare occasion where they aren't very fair.

Now, this thing of bringing up about that the minute anybody makes any money on a garment that we cut the price: We don't do that. Of course, that's all been explained, and I am not going to take a long time to go over it.
1081 But when you put your garment in at first, naturally, you are experimenting to some extent on the price. With all the experience you have, your prices won't be exactly even. You know that it would be much easier for us if it were possible to put out your first piecework prices, that it would be exactly the same basis you were working on, if you were working with a great number of people, if that would be humanly possible.

And I have done everything that I know of to make that possible. We have taken time studies. We have the very people that I know of that I have in my plant that have been there for years and years, worked on piece rates themselves for years and years, and we have all of our experience back of us. So we do everything we can to make that piece rate the same. But it won't be the same all the time. So there will be adjustments to make. One you will increase, and the other you will probably decrease. But if we kept the records over all the years that we have been in business — we showed some of those records down here — we will probably have three increases where we have one decrease.

Now, if a woman can make good money just we happen to have a good run on a garment, we don't cut that person's price — we don't have to — but I want those workers to make — the more they make, the better people
[fol. 5124] they are for me; the better workers they are, the better satisfied they are, and the better
1082 production I will have. You know, your production as a matter of fact, goes up as you can pay more. It is easier for them. I think when a person makes a little more money that it is easier for them. They probably don't have to go home and do their washing at night and things like that, and I have taken that into consideration.

And I have here these figures that I just got. These are exact figures:

Objection—immaterial.

Q. (By Mr. Ingraham) Mrs. Reed, why do you pay these bonuses?

Objection—immaterial.

A. I pay this bonus —
I couldn't enumerate all the exact reasons that I have paid these gratuities. I know

that for 15 years I was in pretty close contact with the people that did the work, the actual piecework in our plant; and I had a very great desire to make their earnings as regular as I possibly could.

1083 And so it's been the practice in our place to make up for — oh, if a girl's machine breaks down, I allow a certain amount per hour, based on what that girl makes over a year's period. Not the time that she makes the most, and not the time that she makes the least. But, in a general way, pieceworkers have a way of establishing a good average of what they make.

Now, I did that simply because it seemed kind of hard for a girl to have her machine down and have to sit and not make any money at the time. And in our pricing we allowed — We don't expect a girl to sit at her machine every minute in the day, and we make allowances for their not being at their machines.

But I want to go on record that this has been a general practice of my giving out a certain amount of money here to my piecework operators that I didn't have to do, because I was already paying a higher piece-rate price than was paid any place in Kansas City and I think any place in the country on my type of work.

Q. Mrs. Reed, about how many times higher?

Objection—immaterial.

A. Well, in the depression in the last three or four years, I know there was an investigation in Kansas City, and they were paying—well I think I was paying three or four times as much as they were. And from what I have heard of what was going on over the country, the same thing happened.

There was only one time, and that was in 1932 when times looked the worst, and they

were the worst that I had in my business, that I reduced the piecework pay 10 per cent. That 10 per cent was put back as soon as our spring business started in 1933.

This 10 per cent reduction, which was the only one that was made, and was not made until the spring of 1932, was put back in either January or February of 1933, and that was on our piecework rates.

In 1928: These are just gratuities to pieceworkers:

Q. (By Mr. Birkhead) You mean that they were over and above what they earned?

Objection—immaterial.

A. Over and above what they earned.
Q. You had a minimum, was that?

Objection—immaterial.

[fol. 5125] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

1084 A. I don't give all this money to the poorest workers. The poorest workers that just hand on to a minimum, Mr. Birkhead, I don't feel deserve all the consideration. So sometimes some of these go to girls that might be ordinarily making $25 a week and then something happens. Sometimes they don't just feel so well, I suppose; and sometimes there is more new work, business isn't as good, or there's a thousand and one reasons why a pieceworker sometimes won't make as much money. Now, if we feel that she has done everything she could to make her money, why we will help her out, even if she is a higher priced girl. So all of this is not put in to maintain a minimum. Part of this has gone to the better operators who just fall down at individual times.

In 1928 this amounted to $39,919.
In 1929, it amounted to $51,088.
In 1930, $40,962.
In 1931, $28,916.
In 1933, $42,077.
In 1932, $28,154.
In 1934, $57,697.

Now, of course, in 1934 I had more operators. But in 1929 I paid over $51,000. Now, that money has come out of my profits. I could have put it in my pocket as far as the operators are concerned. I was glad that I had it to do that. But I was not in any way forced to do it, because my piecework prices are and have been far above the average of what's been paid in this industry.

Q. (By Mr. Rucker) May I interrupt you, Mrs. Reed? I didn't get the years.

A. That was 1928 to 1934. And this didn't just begin in 1928. Our books back of 1928 are put away, and I didn't think it was necessary to get the figures, but they were comparatively along this line except that I had fewer employees.

Q. (By Mr. Ingraham) Mrs. Reed, you made the statement that you paid your employees "a little". You mean a little extra?

A. A little extra, yes.

Q. Now, Mrs. Reed, can you tell approximately what it costs the company a year to maintain year around work?

1086

A. Well, of course, I can't tell that; I couldn't now. A great part of this designing department is maintained particularly to take care of this fall business. If I didn't want that business, I wouldn't have to maintain nearly so expensive a designing department. And, of course, in a very general way it increases our overhead considerably. I have given vacations to my pieceworkers from the very beginning.

Q. (By Mr. Birkhead) With pay?

A. With pay. In every way I have had the attitude of putting my factory workers on the same basis as my office workers.

Q. Do you know if that's the general practice among manufacturers who pay on a piece basis?

[fol. 5126] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

A. I know that it is not.

Q. It is not?

A. It is not. I don't know of any other factory that does it. They may, but I don't know of any other that does it.

Q. (By Mr. Ingraham) What about these gratuities in connection with other factories?

A. I have never heard of them doing it.

Q. (By Mr. Birkhead) Well, since the NRA regulations they are supposed to, aren't they? Pay a minimum wage?

A. They have to pay a minimum wage, yes. But I haven't limited myself just to people that were—to hold them up to the minimum wage. This $57,000 that I paid out this year has not all gone to people on a minimum wage, to make up the minimum. In fact, I think only a moderate portion of it.

1087 Q. (By Mr. Cox) Is your vacation period in that, the pay on it?

A. No.

Q. That's not in it?

A. No. Then, in addition to that I pay part of the sick benefit insurance. I pay a little more than half. We figure about what it should be; and when it's more than that, as it has been many times, my half is a bigger half than the other. We haven't increased it to the others.

Q. (By Mr. Ingraham) Can you estimate, Mrs. Reed, how much is paid for paid vacations?

A. No, I couldn't. I just really couldn't. I have never figured that out.

Q. Now, is it the policy of the company to carry the insurance of workers when they are sick?

A. Yes. And if we have a lay off, we carry our workers for a month on their insurance.

Q. (By Mr. Cox) You mean you pay it all?

A. We pay it all if a worker it off. If we have to close a section for two or three weeks or up to a month, we pay the whole insurance.

Q. (By Mr. Ingraham) Mrs. Reed, what is the minimum wage for workers at the Donnelly Garment Company?

1088 A. $15.

Q. Previous to the code?

A. It has been $15.

Q. (By Mr. Birkhead) Previous to the code?

[fol. 5127] Objection is made to all questions and answers on this page because the questions answered are immaterial.

A. Yes, for a great many years. As a matter of fact, over 10 years; with the exception of the time that I put—say, in 1931. Up to that time I have said that I ran my plant the year around. There were times of the year that I didn't employ new people and there would be fewer workers, because where you have a number of women working there's always a certain number that leave for different reasons.

But in 1931 we had a good many—when we sent our line out in November we had a very good response to it and more orders came in than we would be able to make; we knew that. Mrs. Reeves knew it; and, of course, in our particular plant everybody in the place knows whether we have lots of business or not so much.

It's sort of general information.

And this year Mrs. Wherry and Mrs. Reeves came to me along in December and said —they had started to fill up our machines, the ones that weren't entirely filled. The people had left probably a couple of months before, and we began to fill the machines, and they had so many applicants for work.

1089

And they said, "We are turning away almost hundreds of girls every day, and here we have more orders than we will be able to fill, and can't we do something about getting them made"? And all through the years there had been times in the spring that I hadn't been able to fill all my orders; but, on my proposition of running a factory the year around, I hadn't felt too badly about it.

Well, this year when Mrs. Reeves came, I said, "Well, I hated to start up another big plant"; and she, Mrs. Wherry, and Dewey said, "Well, we have a certain number of machines that we have replaced with special machines; we have accumulated quite a number of machine heads". And Mrs. Reeves had already gone out to see somebody about a building, and she said "Mr. Shukert said we can rent a building and pay for it by the month, just the months that we use it".

She knew where we could rent some machines, and maybe I would buy a few, and we would start this other plant up and use these orders. She said these girls, even if we couldn't give them more than 3 months' work they would be glad to have it because they had no work at all.

Q. (By Mr. Reed) That was during the depression?

A. That was during the depression. That was in 1931.

Well, it did seem to me a shame for us to have business that we were letting go when

people were needing work. And I told her to go ahead, and I gave her a certain amount of money to buy new machines. So we rented some machines and found a few machines in our own shop, and started up in the Shukert Building. And we had a very good spring business and we kept over a hundred, around that many, working for 6 months.

And then in the fall we had a fairly good fall business and kept the girls in our own building; they said that they would share the work. After these girls had worked several months — of course, they were glad to have that much work, but they didn't want to quit working. And that was a time when there was a great deal of talk of everybody helping out.

And so our old operators, a great many of them, that, of course, had been with me for years and years, and my first class operators, would have had plenty of work if I had just kept them. But they agreed to take time off. And we individually went to each one and said, "If you can afford it now, you stay off a week or two weeks and let us give some of these other women that haven't been working, give them a chance".

And Mrs. Reeves and Mrs. Wherry and our other instructors did that work. Now, they didn't have to do it. As far as they were concerned, it made a whole lot more work for them. But we were anxious to give everybody work we could, and so they shared the work.

[fol. 5128] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Now, the time when that was going on I didn't maintain that minimum all the time. It just would have cost me more than I could

have afforded, because you have people working a few days. But I didn't cut my rates. It was after that when it really got to a point where I was losing so much money that I felt that I had to.

1091 Q. (By Mr. Ingraham) That's when you made the cut of 10 per cent?

A. Yes.

Q. (By Mr. Reed) Which you restored when?

A. I restored that in the early spring of 1933. So that when the NRA came out I was paying my — before there was any NRA in existence, I had restored that 10 per cent cut and was working on a basis of the highest prices in the best times.

And that was the particular reason that after Mr. Johnson sent investigators out to my plant, they looked at my pay rolls, they saw my books, they went through my factory. They were there, oh, 4 or 5 days, almost a week, investigating my plant; and they reported to Mr. Johnson that I had a higher standard than the NRA required.

Now, my minimum which I had restored when I restored that ten per cent—$15 a week: we made an average, taking the amount of time that the operators worked on these silks and wools and the time they worked on the cottons, and, drawing that average, it would have amounted to $14.60 minimum.

But now I want you to understand that my piecework prices are not based on that minimum. That for 10 years or more we considered a $15 operator only a 75 per cent operator. We expected an operator that had had six months or more experience, we expected her to make $20 a week. As a matter of fact, we couldn't have maintained our set up on operators if all of our operators had

1092 only earned $15 a week.

So the minimum was $15, but we based an average operator at $20 a week; and then a great many of our girls were able to earn $25 and some of them $30 and $35 when the work came through in the best way.

We have girls out there right now who are making $35 and $40 a week and have made it right along this spring. And we have had them — Since 1919 I have had operators, based on my piecework operations, that can make from $20 to $30 and more than that, $35 a week.

Q. (By Mr. Ingraham) Mrs. Reed, you just testified that your wages were restored before the code came into effect.

A. Before we ever heard of the code.

Q. What was the amount of your minimum wage at that time?

A. Well, it was $15.

Q. $15?

A. Yes.

Q. Now you have testified that operators that just earned $15 were 75 per cent operators.

[fol. 5129] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

A. That's what we have always considered them in our planning of piece-work. And we took timing. We have done that with our regular piecework operators for a good many years. We don't hav a certain special operator. And we have found that, except in a rare instance, that we can make our piece rates right by our own operators, and they will be fair about it.

1093 Where we have to do certain timing—there are some operations that are so very new that every so often we have to do timing, even though we have had all these years of experience. And we have our work so well

sectionalized that no matter what you do on a dress, we practically have a sectionalized operation that takes care of that.

Q. Has it always been the practice of the company to weed out the $15 operators as much as possible?

A. Yes. We have had a standard of an operator not being our standard operator unless she could make, generally speaking, $20 a week.

Now, when we had slack times—there are certain times that we have had to weed out operators that either were not adaptable or they were not good enough in any one particular way to make them valuable, and then we would have to let them go. And, of course the way I felt about it was that if I maintained this high standard that I have set for myself that I simply had to have good workers.

Now to me a good worker is just as entitled to a benefit as one that isn't so good. As far from a humanitarian standpoint, one woman is entitled to a job as well as another. And, on the other hand, we have never been ruthless about turning individual people away that needed work and that were not entirely up to our standard. We have always kept a few women like that.

1094 But, of course, they would be some woman that did particularly nice work or that was very exceptionally agreeable and would — well, that you could never get an instructor to let her go; that would be one thing. And we would think, "Oh, well, we can carry a few along". And we have done that all through the years, even though I had this $15 minimum.

Now, I have there a woman that's been there, I suppose, 15 years who has one leg cut off, and I myself helped to figure out a machine that we could let that woman work on. We

had to put our knee lifter on the other side It was a sort of contrivance — she came in there and by some friend or some way she got to doing a little special work that played out that we had just done. I don't know what it was; maybe handling remnants or something. And then she said she could sew, that she wanted to sew; that she could sew on a home machine but, of course, that has only one treadler. Well, the woman's limb was amputated, the wrong one for our regular power machines, but we figured a way for her to do it. And she is still out there and is a good operator.

But we haven't been ruthless about just absolutely sifting out. On the other hand, if we just have a regular worker that is not
1095 particularly good in any way, and she doesn't do a great deal of work, she doesn't do very good work, she is possibly troublesome all the time, and thinking it is everybody else's fault except her own, why, naturally, those are the first people you let out. Naturally you do. We have always done it. We have to do it to maintain our business and to maintain the standard that we have set for ourselves and for our employees.

[fol. 5130] Q. (By Mr. Cox) Did you ever at any time try to arrive at an average? Take just your machine operators, take a week's pay, and divide the number of machine operators, and arrive at the average of what they earned?

Objection—immaterial.

A. I don't believe we have Mr. Cox.

Q. I have done that myself many times. It gives you a surprising figure as to what your average would be.

Objection—immaterial.

A. Yes. I don't believe we have done that.

Q. (By Mr. Ingraham) I believe you stated, Mrs. Reed, that the company maintained a training section for a number of years to train new operators?

Objection—immaterial.

A. Yes.

Q. Does it frequently happen that an operator can only do one kind of work and it is impossible to train her for any other operation?

Objection—immaterial.

A. Yes. That very often happens; that an operator just happens to be able to do some one type of work fairly well, she can't
1096 —you put her on something else and she can't do it well at all. She may have happened to have fallen into a certain kind of work that you had a great deal of at the time she started, and she has learned and can do that. And then when you don't have that work and you put her on general work, even of the same character, she just doesn't seem to be able to do it. We have always had a certain amount of that.

Q. Does it also happen that frequently an operator who has done good work will, without any knowledge on your part or cause, start doing poor work?

Objection—immaterial.

A. Well, that's happened. It happened when I was in the plant myself. Sometimes a woman has domestic difficulties, and her health may not be so good. But every so often we have that happen. A woman has done very good work, and I don't know what happens, whether she becomes dissatisfied; but very often, maybe not often but certainly all through the years that has happened, because at times when I was supervising the work myself, I could hardly believe that a girl—She had done very well, good work, and all of

a sudden anything she makes isn't made right, or she has a lot of spoiled work, or she doesn't keep up the amount that she had been doing. I can't always explain it.

1094 Q. Now Mrs. Reed have you or has any official at the Donnelly Garment Company, ever at any time discriminated against an employee on account of union affiliations or sympathies?

A. I have not.

Q. Has any official ever authorized any employee to discriminate against any other employee on account of union affiliations?

[fol. 5131] A. Certainly not. Not with my knowledge, and I am sure I would know about it.

Q. Have you employed union people at the Donnelly Garment Company?

A. All through the years I have never asked any question about whether a person belonged to a union or not. I know that there have been numbers of people there that have belonged to a union. And when I employ anybody, we don't ask any questions about any of their affiliations, and never have. We have always had some union people working there.

Q. (By Mr. Dond) Have you ever entered into any contracts with any of the unions?

A. No. Not personally I haven't.

Q. I mean with the plant. Has it ever been under contract with any of the unions?

A. No.

Q. (By Mr. Birkhead) There was something said about the cutters in your plant belonging to a union. Did they have an agreement as a union with you, or as individuals?

A. No, I have never had any agreement. But a number of the cutters belonged to the union. And I understand one of the cutters that is employed as an extra cutter is a member of a union. I don't know whether any of the others are or not. Some of them have at

different times belonged. But I have always paid my cutters from $2.50 to $10 a week more than ordinary union wages; and I didn't even know it, and somebody told me a few years ago that I was. I just paid them what I thought they were worth and what you have to pay to have a good cutter. And it is very important in my business that I should have very excellent cutters.

Q. (By Mr. Ingraham) Have you had in your employ a carpenter who has been a member of the union?

Objection—immaterial.

A. I have had a number of different carpenters that have belonged to the union; union carpenters that have worked for me off and on. At our home last year we had about 25 or 30 union carpenters and bricklayers and plasterers and plumbers and painters, etc. And this one carpenter that has worked for me a number of years at one time was president of the carpenters' union. And I have in my employ a young man whose father was president of the carpenters' union here for a number of years and used to do some work for us. He died very suddenly, and I took both of his youngsters to work for me. They were both just out of high school, and the girl worked for me until she was married. And I am still looking after that girl's interest. And the boy is one of our good cutters there. Several years ago he got an idea he wanted to go away, and he went away and I took him back. But I have had an interest in the family since the father died; and he was president of the carpenters' union. I have no prejudice against the unions as unions; never had any occasion to have.

[fol. 5132] Proceedings—Before N. R. A. Board.

ELIZABETH GATES REEVES, Called as a witness, testified as follows:

Direct Examination.

p. 202 By Mr. Rucker:

Q. Your name please?

A. Elizabeth Gates Reeves.

Q. And you live in Kansas City, do you Mrs. Reeves?

A. I live in Kansas City, Missouri.

Q. And have lived here for how many years?

A. About twenty-three.

Q. How old are you? A. Over twenty-one.

Q. You are employed by The Donnelly Garment Company, are you? A. Yes, sir.

Q. In what capacity?

A. I am production manager.

Q. How long have you occupied that position with the company? A. About eight years.

Q. And prior to that time were you associated with the Company?

A. Yes, sir, I was a clerk in the office, payroll.

Q. How long have you been connected in one capacity or another with the Donnelly Garment Company?

A. It will be fourteen years this March.

p. 203 Q. What are your duties as production manager, Mrs. Reeves?

A. Well, along with production manager I merchandise the line and I am general superintendent, I imagine, of the entire factory; I have charge of the factory, all the producing.

Q. In other words, all of the young women who have testified, and others who occupy the same relative positions down there are under your supervision and control? A. Yes.

Q. Have you any sort of an organization among the employees of the Donnelly Garment Company Mrs. Reeves?

A. What kind of an organization?

Q. I mean an employee organization of any kind?

[fol. 5133] A. We have, to my knowledge, about fourteen such organizations.

Q. Could you tell me the names of them?

A. No, I could not but we have our machines grouped in forty machines to a section and each one of those sections have a small club of their own and then we have a Nelly Don Athletic Association. That is about the only clubs we have.

Q. Now, these clubs you say which are formed among the various units or sections, I believe you referred to—

p. 204 A. Yes.

Q. They are purely social, are they?

A. Purely social.

Q. And your Athletic Organization is more or less social, isn't it?

A. Social, and then it goes in for athletics.

Q. Is that the only organization that has been founded among the employees?

A. Recently I have heard about a Loyalty League.

Q. Are you acquainted with the Loyalty League?

A. No, I am not personally.

Q. You know nothing about it?

A. I just heard about it.

Q. You publish a paper down there which is called the "N. D. A. A. News?"

A. Yes. No. The organization does not publish that. The Nelly Don Athletic Association, as I understand it, is formed from the employees of the Nelly Don Company?

A. Of employees only.

Q. Are there any fees or dues?

A. I don't know; I am just an honorary member of the Nelly Don Athletic Association.

Q. You don't know then, who provides for the publication of this paper called the Nelly Don Athletic Association News?

p. 205 A. No.

Q. Do you ever read it?

[fol. 5134] A. Yes, I do.

Q. Do you recall the issue of February 13, 1935?

A. No.

Q. Refreshing your memory, I am referring particularly to an article headed "900 joined the Loyalty League." Do you recall that now?

A. Yes, I do.

Q. Now I want to read this article to you.

Mr. Reed: Just a minute. Do you have anything to do with this at all?

The Witness: No, I don't, not in any way.

Mr. Reed: I do not think it is very material.

Mr. Rucker: Here is one of the chief executives of this company and I think I have a right to inquire of this witness about this organization, notwithstanding.

Dir. Pratt: We will hear it, subject to its being connected up in some way.

Q. I want to read you the article "The employees of the Donnelly Garment Company have in the past week formed the Nelly Don Loyalty League to refute untrue statements and propaganda circulated by the Union. February 5, on the instigation of Mrs. Gray and Mrs. Strickland"—now who are Mrs. Gray and Mrs. Strickland?

p. 206 A. Well, Mrs. Gray works in our Outlet Store and Mrs. Strickland is a pattern maker.

Q. (Continuing reading) "about forty-six employees representing as nearly as possible the entire factory, met at the home of Mrs. Gray. They decided to sound out the personnel on the forming of the League. Cards were passed out to nine hundred employees and all but eleven were signed and returned. Because of the overwhelming response a constitution was drafted and a mass meeting called for February 8th. Mrs. Gray opened the meeting with an account of what had been done and

will be done. She displayed a drawing of a tentative pin and explained the meaning of the word 'loyalty', as it pertains to the League's purpose. In separate meetings representatives had been chosen from each department to assure the future and fairness of the directorate board. These names were announced and taken down by the Secretary pro tem." Can you tell me who the secretary pro tem is? A. No, I have no idea.

Q. (reading) "Herbert Mulshe was asked to act as temporary chairman." Do you know who Herbert Mulshe is?

A. Yes, Herbert Mulshe is a cutter of ours.

Q. Is he here?

[fol. 5135] A. No.

Q. Is Mrs. Gray here?

A. No, she doesn't happen to be here.

p. 207 Q. Is Mrs. Strickland here?

A. No.

Q. (reading) "He read a pertinent editional from the February 16 issue of Liberty magazine and announced that the directorate board would act as an election board; the result of their selection would be ratified or refused by a mass meeting to be held soon. By-laws will be decided upon at this meeting. There will be no dues in the league." Now, do you know whether they followed this initial meeting with the other meetings which were spoken of in this publication?

A. I don't know really; I have no knowledge whatever about their activities.

Q. In other words, you have taken no interest in it, as one of the chief executives down there?

A. That is true.

Q. Now, do you know what they mean here by the statement that they are forming this Loyalty League to refute untrue statements and propaganda circulated by the Union?

Mr. Reed: She had nothing to do with it. You are just asking her to interpret something somebody else wrote.

Q. Are you in close contact with these people who are mentioned here, Mrs. Gray and Mrs. Strickland and Mr. Mulshe? A. No.
Q. You don't see them very often? A. No.
p. 208 Q. Are they there every day? A. Yes, sir.
Q. Are they there every day? A. Yes.
Q. Are they under you?
A. Mr. Mulshe is indirectly under me because he is a cutter. Mrs. Strickland is not and Mrs. Gray is very indirectly.
Q. Now, you did hear of the fact that there was going to be an effort made to form some sort of a league, didn't you?
[fol. 5136] A. No, I didn't.
Q. Was the first notice of it that you had when you found it in this publication?
A. No. The first notice I had of it was when I was asked—told about it and was asked if I would like to become a member.
Q. And did you decline?
A. No, I did not.
Q. Did you become a member?
A. Yes, I did.
Q. You have done nothing, you say, toward promoting the declared purposes of the League since you became a member?
A. I have done nothing about it, absolutely.
p. 209 Q. As a matter of fact you know nothing about what its purpose is?
A. No, I don't know anything about it except that I read the card that I signed.
Q. Well, do you remember what was on that card?
A. No, I don't, not exactly.
Q. So far as you know, that organization has no committee from among the employees of the Company for the purpose of seeing that code prices are fairly fixed, do you?
A. No.
Q. You have no committee on working conditions?
A. No.
Q. And so far as you know the only person who has ever made any complaint down there

about the discharge of any employee is Miss Stroup, the representative of the Union, isn't she?

A. Miss Stroup did not make any complaint about the discharge of any employee to me.

Q. To whom did she make it?

A. I don't know. Miss Stroup called me up and told me to put a certain girl on a certain kind of work.

Q. Now, do you not recall having had a conversation with Miss Stroup, which was shortly after a number of the young women joined the Union, in which this or in substance this
p. 2 conversation occurred. Didn't you say "Virginia, I understand you are a member of the Union" and did she not say "yes, I am." Didn't she tell you she was a member of the Union?

[fol. 5137] A. I don't get your question. You talk about a League and then—

Q. Just forget about that, forget about the League. I will ask you if this conversation occurred between you—

Mr. Reed: When?

A. When?

Q. Approximately about December 12, 1934?

A. A conversation did occur between Virginia Stroup, and Frances Reidel and myself and this was the conversation and how it happened to occur. Virginia Stroup and Frances Reidel went into their section one morning in December and immediately announced to their instructor "I belong to the Union now and I can do as I want to; we have our feet on the ground, you cannot lay us off."

Q. You heard that, did you?

A. I am going to tell you the whole story.

Q. I say did you hear that? Just answer my question, will you please?

A. I heard it later from Virginia, and Frances Reidel.

Q. All right, now go on ahead?

p. 211 A. Virginia Stroup and Frances Reidel immediately proceeded to take several girls out of the section and go into the wash room, wasting time when they should be at their machines, holding useless conversation. Mrs. Gonotte, their instructor immediately reported that conversation to Mrs. Wherry. Mrs. Wherry came up and reported it to me. I called Virginia Stroup and Frances Reidel up in my office and I told them that as far as I was concerned that they could belong to twenty thousand Unions but as long as they worked at the Donnelly Garment Company they had to do their work right, and they had to be efficient and they had to be courteous and they had to turn out good work; that as far as we were concerned we had never discriminated against any group of people or any person in the Donnelly Garment Company, but as far as them wasting our time we could not let them do that and that whoever told them that because they belong to a Union that they could do as they pleased certainly misinformed them and I told Virginia and Frances Reidel that it was up to them to go to work and do their work well. They announced they belonged to the Union. I didn't ask them.

Q. Have you concluded now what you wanted to say? A. Yes.

Q. Now, to refresh your recollection, when you got into the conversation which was about 9:50 in the morning, they were then in conference with Mrs. Hyde and Mrs. Gonnotte, were they not, both these girls?

p. 212 A. No.

Q. You say neither Mrs. Hyde nor Mrs. Gonotte were there?

[fol. 5138] A. I didn't say that. I said that at 9:50 in the morning that Virginia and Frances were not in conference with Mrs. Hyde and Mrs. Gonotte.

Q. Well, what time was it?

A. When I called Mrs. Gonotte up to my office, the same as I did Mrs. Hyde, but they were not in conference. They were at their machines and they were supposed to be there but they were between their machine and the wash room previous to that time. They were not on the job. That is the reason why they were called.

Q. Didn't you open the conversation by saying "Virginia, I understand you [—] a member of the Union."

A. I told Virginia that she had announced that she was a member of the Union and that her feet were on the ground, and she said "well, they are," she says "I am a member of the Union now and I know where I stand."

Q. At that time Mrs. Reidel was not in the room?

A. Yes, Miss Frances Reidel was in the room.

Q. All the time?

A. Yes. I called Virginia Stroup and Frances Reidel and Fanny Lockwood.

Q. You say you did not ask her if she belonged to the Union; you already knew she belonged?

A. I knew she belonged, she had announced it.

p. 213 Q. Then you said "Just what do you think you can do with a one horse organization."

A. I certainly did not.

Q. "I don't care if you belong to twenty-five thousand Unions, there is nobody can tell us when we lay a girl off we have to take her back. Where do you think you get authority to tell us how to run our industry." Didn't that occur?

A. I told you just a few minutes ago—

Q. Just answer my question?

A. Wait a minute.

p. 214 Q. In substance, didn't you make that statement to her?

A. No, I didn't. I never heard a conversation misrepresented as thoroughly as what you read to me.

Q. You just said a moment ago you did tell her you didn't care if she belonged to twenty-five thousand Unions?

[fol. 5139] A. I said "I don't care if you belong to twenty thousand unions, Virginia, you have got to get down here and do your work and you cannot spend your time wasting it, running back and forth to the wash room." That is what I said.

Q. Now, isn't it true that just about the time you made whatever statement you did make in that connection that Frances Reidel came in and did not you say when she entered the room "now Frances, that goes for you, too, you are a member of the Union."

A. I have already stated —

Q. Just answer the question.

A. Well, Mr. Pratt, I thought this was an informal hearing and I think that I have a right here, when people make statements like that,

p. 215 that are absolutely untrue, and they have thoroughly misrepresented and taken just exactly one phase of one thing, then I think I have a right here to explain to these gentlemen just exactly how the conversation occurred and all about it.

Dir. Pratt: There is no question about that but at the same time, if Mr. Rucker has asked you something and you say that it is not so, all you have to say is no and then go ahead with your explanation. Do you see my point? You say that did not happen. You can answer no and then go ahead with your explanation.

The Witness: All right.

Dir. Pratt: Ask that question again.

Q. Did you say to Frances Reidel, in substance; "That goes for you, too."

A. Yes, I did.

Q. "Are you a member of the Union."

A. No, I didn't ask Frances if she was a member of the Union. I already knew it. I called Frances and Virginia up together.

Q. I beg your pardon, you made the statement "you are a member of the union."

A. I did not say "you are a member of the Union." In fact Frances stood there and I don't believe she opened her mouth the entire time she was there. Virginia did the most talking and I was talking to the three girls, including Fanny Lockwood.

Q. Did you also say in this conversation "I am getting darned sick of you girls messing around and causing trouble all the time."

p. 216

A. No, I did not.

Q. Did you turn to Virginia and say "how long have you worked here" and did she reply "six years."

[fol. 5140] A. No.

Q. That didn't occur?

A. No.

Q. Did you say during that time "you have been a very punk operator, and you, too, Frances; your records are both very poor. I allowed you three and four dollars and even one time six dollars Virginia. Just how long do you think I will put up with this foolishness." Did you make that statement?

A. No.

Q. Did you say "I have allowed you, too, Frances $1.80 one time and $3.00 another time and so on. We can lay you off any time we see fit and nobody can keep us from doing so."

A. Well, as a matter of fact Frances Reidel was always considered a pretty fair operator.

Q. I ask you if you made that statement?

A. No, I did not.

Q. Nor any statement like that?

A. I don't remember making any statement like that.

Q. Did you say to Virginia "about six years ago, Virginia, we kept you here when you were not able to work."

p. 217 A. I have said that to Virginia but not at this particular time. I have said that since.

Q. That was since December?

A. Yes.

Q. Who is Grace?

A. Grace Gonotte. She is [Virginia] instructor.

Q. She was present at this conversation wasn't she?

A. Yes, sir.

Q. Did you speak up and say she had always felt sorry for Virginia?

A. No, as I remember I did most of the talking.

Q. Did you [way] "we kept her here because we were a bunch of softies. Just what is this organization of yours."

[fol. 5141] A. No, I didn't say that. It might be true, but I didn't say it.

Q. You didn't admit it?

A. No, I didn't admit it. I think we were, me, particularly.

Q. And did Virginia say "the organization of the Donnelly Garment employees, I am the chair lady?"

A. Yes, Virginia announced to me that she was now the chairman of the Nelly Don Union and I said "I never heard of it, what is it Virginia" and she said "well, you better call up the Union and find out," and I said "who put you there Virginia; how did you happen to be the chairman." She said "you better call up the Union and find out, they will tell you all about it", and I said "well, Virginia, it seems to me that if any steps like that was taken that it is up to them to notify us of your position and so forth. It is all news to us."

p. 218 I said "what are your duties Virginia." She said "I am to investigate any time that anybody is laid off." I said "By whose authority" and she said, "well, call up the Union and find out." And I said "well, Virginia, as far as I am concerned I don't recognize you as having any authority whatsoever." I said "nobody has ever notified me or told me; no

operator, no girl has even said to me that they wanted you to represent them or to the Donnelly Garment Company in any way."

Q. Now, didn't you say to her when she told you that she was the chairwoman and that she was there to find out why your laid a girl off and take her to the office —

A. I think maybe you are getting mixed up a little bit.

Q. I may be. Now, didn't you say "well, now, isn't that lovely; now let me tell you one thing, you are going down there and make your average and if you don't, out you go."

A. I don't remember saying "isn't that lovely."

Q. Do you remember saying the rest of it?

A. I told Virginia she was going downstairs and she was going to get to work and she had to make an effort to make her average and do her work right. It had come to a point where you have two girls come into a section of forty machines and announce themselves, it is a question of whether you are going to run a factory or close down the place and let them run it. It is a matter of discipline.

Q. You didn't care to have anybody there speaking for these girls, did you?

p. 219 A. That didn't enter into it at all. I would not let a girl, regardless, do a thing like that without calling her on it; regardless of who she was or what her religion or what her nationality was, whether she was Union or non Union. You have got to keep discipline in a factory if you are going to run a successful organization.

Q. I agree with you on that and I say you would not have premitted anyone of the employees to come there and take up the battle of the girls whom you discharged; you would not tolerate it?

[fol. 5142] A. Now wait a minute. It depends on how they come. It depends entirely upon the circumstances.

Q. How did you want them to come there? On their knees?

A. I don't think your question is right, myself.

Q. Now, didn't she say to you in that conversation "well, Mrs. Reeves, there is some of the work you can't make fifteen dollars a week on."

A. I don't remember her saying that.

Q. And didn't you say "oh, no, there isn't, darling; other girls can do it and you can too; you girls waste too much time of the company kidding and going to the wash room. That has got to stop. Don't let us catch you talking and you, Ella May Hyde, that is your job to see how many times these two girls go to the wash room and how long they stay. I am anxious to know what you report to the office."

p. 220

A. Well, part of that conversation occurred there and part of it occurred when Virginia was causing us some more trouble at a later date and I told Mrs. Hyde at that particular time that we absolutely had to put a stop to these girls running back and forth and taking the other operator's time, conversing in the wash room, during the Donnelly Garment Company's time, when they should be at the machines, and I told Ella May Hyde to keep a check on it. It is a matter of discipline.

Q. Didn't you, in that same conversation say to Virginia "by the way, what is your office" and did she not reply to you "I am to find out why you lay a girl off and take it to the office."

A. I didn't have to ask her —

Q. I didn't ask you whether you had to.

A. She announced to me what her position was and that is what she said.

Q. And told you she was to find out why you laid a girl off?

A. Yes, sir.

Q. Didn't you say in reply to that statement by her "I don't see that that is any of your business. Mrs. Hyde, don't you put out any information about why we lay a girl off."

A. I certainly did. I didn't say to Virginia that it was none of her business; I asked her just by what authority that we should tell her and then I told her that as far as I was concerned I did not intend to give her any information
p. 221 and I authorized Mrs. Hyde not to give her any of the information. I didn't say what you said.

Q. Didn't you say to Virginia "you are just fixing to throw a thousand girls out of work and I certainly would not want that on my soul. I think you girls are just a couple of girls misled; I ought to turn you over my lap and give you a spanking."

A. I didn't say that.

Q. You didn't say that?

[fol. 5143] A. I couldn't.

Q. It wasn't a question of whether you could or not. Did you tell her that is what you thought you ought to do?

A. No, I did not.

Q. Now, at that point, did you not say "Virginia, just what is your organization for" and did she not say "well, Mrs. Reeves, you call the office, they will tell you everything I have left out."

A. That took place.

Q. That took place?

A. Yes.

Q. Did you not then ask her "is Ollie Thompson a member of your organization?"

A. No, I didn't.

Q. And didn't she say "I don't know?"

A. No, I didn't because I had already received a letter from Mr. Pratt on December 7th stating that Ollie Thompson was a member of the union.

p. 222 Q. Was this before — did this conversation occur before the 12th of December; didn't you have a conversation at one time with Virginia in which you asked her whether Ollie Thompson was a member or not?

A. No, I did not.

Q. Now, did you not say this "I don't care how many Unions you belong to, belong to all of them if you think they will do you any good; go tell Sol Goldberg he will do better if he keeps his business right down there at his own place."

A. No, I didn't; I don't know who Sol Goldberg is.

Q. You don't know Sol Goldberg?

A. Never heard of Sol Goldberg.

Q. You had a stenographic report of the meeting that had been held at the Eagles Hall of the various Union organizations in Kansas City, did you not?

A. I did not.

Q. You never [say] that report?

A. I certainly did not.

Q. You knew one was made didn't you?

[fol. 5144] A. No, except that at that meeting it was announced that somebody was making a stenographic report; I believe that Mr. Dubinsky mentioned the fact.

Mr. Reed: That was a public meeting.

A. That was a public meeting, mass meeting.

Q. You went to the meeting?

A. Yes, I did.

p. 223 Q. Did you go for the purpose of possibly joining the Union?

A. No, I didn't. I went to see what it was all about.

Q. And you didn't like it?

A. I enjoyed several of the speeches very much.

Q. Did you like the main purposes that were expressed there?

Mr. Reed: I think that is probably incompetent in this case.

Q. Did you report back to your superior about the meeting?

A. No, I didn't.

Q. Made no report?

A. I did not.

Q. Are you in the habit of going to these mass meetings held by the various Union organizations?

A. Oh, I have been invited to several.

Q. Had you ever gone before?

A. I have been to functions that the Carpenter's Union have given.

Q. I mean meetings of a type similar to this?

A. I had never been to a mass meeting before.

Q. That was the first you had attended?

A. Yes.

Q. Have you attended any since?

[fol. 5145] A. No.

Q. Did you not say to Virginia in this conversation "what do you think you could do about anything with your petty position."

A. No, I didn't.

p. 224 Q. Was your purpose in calling these two young women in your office to complain to them about their conducts, which had been reported to you?

A. Well, I was really reprimanding them for the way in which they were acting, which I would do any employee of the Donnelly Garment Company.

Q. You don't tolerate insubordination from any of your employees do you?

A. We do and we don't.

Q. Now, was it true that Virginia Stroup, was a splendid operator or just an ordinary operator?

A. Well, Virginia was a fair operator; she is not a particularly good operator.

p. 225 Q. How about Frances Reidel?

A. Frances Reidel we always considered a very good little operator.

Q. Very good?

A. Yes.

Q. Is she still working for you?

A. Yes, sir.

Q. How about Thelma Owen?

A. Thelma Owen is a fast operator, and could turn out good work if she wanted to, and there

are several periods when an instructor would stand over Thelma and make her do good work and she would do it but every chance Thelma got she would put out bad work.

Q. Over what period of time had that situation existed with reference to Thelma Owen? Ever since she worked for you?

A. Ever since she worked for us.

Q. And you kept her how long?

[fol. 5146] A. Thelma Owen was let go — just a minute, I will have to check up on my records. Thelma Owen was first employed at the Donnelly Garment Company August 3rd, 1925. She was let go on December 3rd, 1929 on account of irregular attendance and on account of neglecting her work, and Thelma Owen came back and asked me personally for a job January 2nd, 1930, and she was let go in November, 1930 because she repeated her past offenses. Thelma came back on March 7th, 1932 and asked me personally for a job. The instructors of the Donnelly Garment Company

p. 226 were thoroughly fed up on Thelma and her work and the things she did while she was at her machine, her conversation and so forth. I personally felt sorry for Thelma. She told me that she needed the work and I have always tried my best to be sympathetic and understanding to our girls, and I knew that Thelma could do good work if she only would, and I always felt that it is a pity, when a girl was capable of doing as good work, that she just won't get in and do her part, so I personally put Thelma on to work over at our branch factory, away from the main building because there was nobody at the main building at that time who would have Thelma Owen in their section, and at that time that we reemployed Thelma Owen I talked to her seriously and I told her "Thelma, do try now, this time, to get along and make good" and she promised me that she would and she did work very well for a period of time and did turn out good

work and then she got into her sloppy ways again and we had trouble with Thelma again and just a month previous to Thelma being laid off she was in Mrs. White's section, and Thelma wouldn't do her work well and she wasted time, she wouldn't get in and do what she should do and she had more break downs on her machine than any body, and furthermore, you folks know that in running a car, that a poor driver can wreck many a good car. Well, an operator who is not careful of their car can certainly have a lot machine trouble and Thelma had a lot of machine trouble because she was wrecking her machine, and Mrs. Wherry and Mrs. Atchison,
p. 227 after talking to Mrs. White, came up my office and they suggested that we lay off Thelma because she was not turning out any kind of work and she was wasting time and a very inefficient employee.

Q. When was that?

A. That was in May, 1934, and I guess I got soft hearted again and I said "well, let us give her one more chance, we are starting this new section up on the 9th floor and let us see if Thelma can't make good under an entirely new instructor" so I called Thelma up to the office to talk to her and I said "now, we are giving you one more chance, won't you get in there and make good" and Thelma said to me "well, Mrs. Reeves, I don't want to go up to Mrs. Neimeyor's section because I might be laid off if they close down that section" and I said to her "well, Thelma, if you get in there and do your work right and are careful, why there is no reason on earth why we would even want to lay you off" so Thelma was given that one last chance and when she went upstairs to Mrs. Neimeyor's section she didn't do her work right; the inspectors complained that when they took her work back to Thelma she was very rough in her language to them; the mechanic complained and Mrs. Neimeyor

complained and said she would not have her in her section and Mrs. Tyhurst who is in charge of the quality of our work said she absolutely would not be responsible any more if we continued to keep Thelma Owen in our employ. Thelma can make good if she wants to but she didn't want to and she was given four chances to make good at the Donnelly
p. 228 Garment Company and I think four chances is being quite lenient with anyone person.

Q. You have her payroll card there, haven't you?

A. Yes, sir.

Q. Can you tell me Mrs. Reeves, which of these columns represent the money she drew in 1934?

[fol. 5147] A. This last column.

Q. That is the last column on the right side of the card?

A. The last one.

Q. Do I understand that is for the month of June here?

A. Yes.

Q. And on the reverse side, that is the last week of June?

A. Yes; she got the last week vacation. She was laid off July 11th, 1934.

Q. That was following a two weeks vacation?

A. Yes.

Q. Did she get that vacation with pay?

A. She got one week with pay.

Q. What are the requirements for one week's vacation with pay?

A. That they cannot be absent over eleven days during the year except when we have no work and that is not their fault.

Q. All right. This card shows she received on the week off June 22nd, $19.97, is that correct?

A. Yes, sir.

Q. And on the previous week $18.14?

A. Yes.

p. 229 Q. And on the previous week $20.85; on the previous week $15.75; on the previous week $17.49; the previous week $20.77; the previous week $18.66; the previous week $17.30.

A. I am sure our records are right.

Q. Now that is the last eight weeks beginning with the week of May 4th, as I understand it, and on the last week she worked she received $16.80?

A. Which was her average for the year.

Mr. Reed: Is that her vacation week?

A. Yes, that is her vacation week, that was gratis.

Dir. Pratt: Let me just interrupt there. The pay that you give them for one week is their average for the entire year?

A. Yes.

[fol. 5148] Dir. Pratt: And $16.80 was her average for the entire year?

A. That was her average during the entire year.

Q. Now, the amount that she was required to earn under your code and under your plan, as I understand it, was $15.00 a week?

A. Well, $15.00 was our minimum; that would be our poorest operator.

Q. But as a matter of fact, her earnings for the entire year was $16.80 and that included the times she was absent, didn't it?

A. Yes, but you didn't include there the amounts that we had to allow —

p. 230 Mr. Reed: You mean that that was her average when she was there?

The Witness: When she was there.

Mr. Rucker: Well, I don't know whether it was or not. That is what I am trying to find out.

A. That was her average when she was there.

Q. I am not acquainted with the plan. Does that mean the average during the year she actually worked?

A. Yes.

Q. Or is that the average including the days she was not on the job?

A. We take their hourly rate when they are there. You could not strike an average if they were not there.

Q. I notice here one of the columns is headed "Expense". What does that mean?

p. 231 A. That means repair work and waiting for a machine to be fixed, allowances, things like that.

Q. I don't care to go back any further than April but here is April 13. As I understand that is April 13, 1934, is that correct?

A. Yes, sir.

Q. That starts out there with [eight] three cents under the heading of "Expense". Can you tell me what that eighty three cents was for?

A. I think that must be about two hours time on machine repair.

Q. Now, I note that she earned that week $19.10?

A. Yes, because we paid her while she was waiting for her machine to be fixed.

Q. So you had to pay her eighty three cents?

[fol. 5149] A. Yes, and in addition to that we gave her $2.10 while she was just sitting there waiting.

Q. Just sitting there waiting, that is for her machine, I assume?

A. Yes.

Q. Now then there is an item of ninety-seven cents the next week?

A. I imagine that is machine trouble, too.

p. 232 Q. And the next week thirty-eight cents?

A. Yes.

Q. That is right, is it?

A. Yes.

Mr. Reed: Was that machine trouble too, in your opinion?

A. It is my opinion, yes, that that is machine trouble.

Q. Now there are no items then under the heading of expense shown on this card for the week of —

A. No, but there is quite —

Q. I will get to that. Let us get it one at a time. Is that May 11th?

A. That is May 11th.

Q. Then there are no items shown under the heading of expense after the week of May 11th?

A. That might be; that expense either might be machine time or repair; most likely it was repair.

Q. I just want to get a picture of the card. There are no figures under the heading of expense after that time, are there, on this card?

A. No.

Q. Now, we come over here to another heading "Idle Time."

A. Yes.

Q. Now, I note that there are four entries under that heading, one the week of the 18th of May seventy-five cents, another the week of May 25th fifty-six cents, another June 8th, sixty-

p. 233 nine cents, and another June 22nd nine cents. Now, what other time did this girl lose during that period except the time that is mentioned there on that card?

[fol. 5150] A. I don't understand your question.

Q. Well, I don't think I could make it any plainer.

A. Well, I am sorry I don't understand.

Dir. Pratt: What does idle time refer to?

A. When a person is waiting for a machine or waiting for a mechanic, and suspend activity, repair work where they have to do their own repair work.

Dir. Pratt: But I think the explanation we want to get at is, the testimony has been that she had a lot of machine trouble?

A. Yes, she had.

Dir. Pratt: Now, is there one item or two items for machine trouble? In other words, does idle time come from machine trouble or when they are waiting for —

A. (interrupting) Idle time is coming from machine trouble and the repair work is from expense. You see, what we do, in our cost system, we analyze those things pretty closely and sometimes we keep them under the two headings. Sometimes when a mechanic is having trouble with a machine we put that under idle time and sometimes when the girl has really caused the trouble herself we put that under expense so that when we analyze our
p. 234 card we make that differential ourselves so that when we are judging the type of operators we know.

Q. (By Mr. Rucker) Now, have you an operator out there by the name of Magdalene Hammers?

A. Yes.

Q. Will you give me her card please?

A. I don't happen to have her card here.

Q. Will you produce it for me, please?

A. Yes.

Q. Have you a girl there by the name of May Innis?

A. Yes.

Q. Do you have her card?

A. No, I do not.

Q. Do you mean you have only brought the cards of these girls that are here?

A. Well, the cards that are listed. I could not bring six hundred cards down here.

Q. I would like now to have the cards of Magdalene Hammers, and May Innis?

[fol. 5151] A. May Innis is not in our employ any more.

Q. Clare Enlow, Loretta Sisston, Ollie Thompson, Nora McKee, Kathleen Jenkins, Naomia McQuiston?

A. Now, as far as Nora McKee is concerned, she is an examiner. She is on a flat rate of eighteen dollars a week.

Q. Has she never been a sewing girl?

A. No, she has never sewed.

Q. Never ran a machine?

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A. Not that I know of.
Q. She did not make dresses?
A. No, she is an examiner.
Q. All right, if she didn't make dresses you need not bring her card. How about these other girls?
A. They are all operators.
Q. Will you give me the card please of Ellen Fry?
A. Mr. Rucker, I just want to say one thing. You are emphasizing this machine trouble just an awful lot.
Q. Mrs. Reeves, I don't want to argue with you about this. This is not the proper time to argue the case. Just answer the question. Senator is well able to argue the case.

Dir. Pratt: We will hear her explanation.

Q. If you want to make an explanation go ahead.
A. You are passing over it very lightly and I do not want these gentlemen to forget that I have testified that Thelma Owen was a fast operator but on the other hand she had more trouble with her work than any ordinary operator. Now the thing is this, that she would turn out bundles at a time but you can sew a lot of bundles, a lot easier and faster than you can spend your time repairing those bundles after they are sent to the examiners and have to be sent back for repair, and Thelma did not do her work right. She would stretch the seams and she would roll her binding in and absolutely spoil the entire fit of a garment. Now, in manufacturing Nelly Don products we have always been careful of our reputation as good manufacturers and that

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is why we have had to hire girls who were careful of the quality of our work.

Dir. Pratt: Let me ask you, Mrs. Reeves, along that line. When Thelma Owen turned out a batch of bad garments, the seams stretched and bindings rolled under, and they

were turned down by the inspector, then what did you do? Did you send them back to Thelma Owen?

[fol. 5152] A. But we had to pay Thelma for the time that she was repairing them.

Q. (By Director Pratt) You paid her for the time that she repaired them?

A. Repaired them.

Q. Do you mean at a flat hourly rate?

A. Absolutely; that is according to the N.R.A. Code.

Q. And there was no penalty whatever except the difference between her piece work rate and the hourly rate?

A. Yes.

Q. If she made poor garments, is that correct?

A. Well — you cannot have a girl come in and time in for her work and have her sit there at a machine without paying her time. Now, if Thelma Owen had timed in in the morning and she was with the Donnelly Garment Company four hours, we certainly would have to pay her for that four hours time under the N.R.A.

Q. What I am getting at is this, take for example if she spent four hours repairing some work

p. 237 that she had done the day before, we will say, you would pay her for time work, that is whatever it was on an hourly basis for the repairs that she made, because of her poor operations the day before?

A. We would have to if she did not make the code.

Mr. Rucker: That's it.

Mr. Cox: If she made the code do you pay for that repair?

A. We allow a little time.

Mr. Cox: Has that always been customary?

A. Yes, it has always been customary except in one instance, I remember now that several

years ago when Thelma was in our employ, she did the same thing. That was before the N.R.A. and as I remember Thelma turned out about six bundles of work which was very bad and we made her repair them on her own time as a matter of discipline.

Mr. Cox: Isn't it unusual to pay for that repair work?

A. Well, the girls fall down if you don't. You have to pay for it in one way or the other.

Mr. Cox: But if they go over the code isn't that unusual?

[fol. 5153] A. The thing is, that if they turn out the work at the end of the payroll week and then on the following week if they have to do their repair work it almost works out like you have to pay them the entire time.

Q. (By Director Pratt) Is there any sum on Thelma Owen's card there which represents time work paid for repair work?

p. 238 A. Yes, I am sure that there are.

Q. Let me look at the card again?

A. That all represents expense. This here looks like an hour's time.

Q. She made $18.66 that week; that was over the code, wasn't it? Would you pay that whether she went over the code or not?

A. I don't know. We take things into consideration.

Mr. Rucker: Did she say they paid that if she went over the code?

Dir. Pratt: No, she hasn't said that.

A. We do sometimes. You see the point is here, that you take these girls, they are working on crews, you have a certain crew and Thelma was an under arm seamer. Well, she sent her work to the examiners. Sometimes two or three days will elapse before that work gets back and then sometimes Thelma gets one

garment out of a bundle and it stays at her machine a day or so, so there is a lapse of time there that it over reaches one week to another.

Q. Take this week ending April 20th, an item of 33¢ under expense. For money that week she made $15.30, that was over the code? I am assuming the code amount would be $14.83. Now can you tell from this card, there are not all the records on this card of course, but can you tell from this card whether that was —

p. 239 A. (interrupting) No, I cannot but I will say this, that the Donnelly Garment Company always had a policy of trying to maintain their operators on a certain earning capacity. If you asked me just roughly what price operator Thelma Owen was I would say Thelma is about an $18.00 operator. I refreshed my memory and found out she was not quite as good as I thought she was.

Mr. Birkhead: What would you call a good operator?

A. A really good operator make around $25.00; I would say from twenty to twenty-five dollars on under arm seam binding, that is a standard operation. You never change your work on that. That is just one operation constantly, under arm seams, and every garment that we make has under arm seams.

Q. (By Director Pratt) When a girl, an operator down there turns out bad work, which necessitates going back for repair because she did not do it properly in the first place, no particular penalty attaches to that; if it gets too bad you let them go but aside from that there is no particular penalty, is that it?

[fol. 5154] A. Well, I think you have expressed it.

Mr. Cox: Is that customary in all garment factories:

A. No, it is not. These paid vacations is not a customary thing of manufacturing concerns. I believe we are the only people that do that but this extra allowance, when girls start on a new operation, is not customary. We give that to our girls in order to help them along and encourage them, and there are a great many girls, when you give them a new bundle, and I have even had complaints that when you change the color of the same identical dress they have difficulty with it. Well, in order to not have a girl be very unhappy about it, and say "oh, I am not going to make anything on this," we just say "well, you get in there and do your best and we will give you an allowance on it." Those things the regular factories doesn't do but we have always done it. Just like before we ever heard of the code, we always went through the payroll cards and analyzed them every week. I know when I started with the Donnelly Garment Company and I was on the payroll, that one of the first things that we had to do before we made up the payroll, if a girl fell down too much we would go into the reasons and the cause and the why and make it up to them.

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Mr. Cox: Are you still working on the forty hour code?

A. No, we are working under the thirty-six hours now.

Mr. Cox: You know it didn't go into effect until December 26th.

A. Well, I am not sure then.

Mr. Cox: It was tied up by the injunction, you know?

Mr. Reed: We didn't have any injunction, so the record will be clear on that.

Mr. Cox: It was not in the dress business, it was in the cotton garment.

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Mr. Reed: This code had no injunction.

Mr. Cox: No, but the injunction was filed and you could take advantage of that up until December 26th.

Mr. Reed: Could have, but did not.

A. Then another thing, as far as Thelma Owen was concerned, is as long as we are still on Thelma Owen, besides poor quality of the work and having to keep after her constantly was that we had complaints constantly about her conversation and her rough talking at the machine with the mechanics and disturbing the other employees and as I have stated previously it was through my own personal influence, really over riding the judgment of other people in our organization that I was personally responsible for bringing Thelma back as many times as we did because I wanted to give her another chance and I thought when she did she would be able to make it.

[fol. 5155] Q. (By Director Pratt): One more question. The last four weeks as to this Thelma Owen, according to the card these things did not occur, I mean there was no machine trouble and no time out, according to this card?

A. Well, Mr. Pratt, they did occur, and furthermore that is the only reason why we laid Thelma off. Her instructor complained constantly and even then when Thelma wanted to come back I personally took it up with our instructors and I asked each one of them if they would not give her another chance and they just absolutely refused.

Q. All I was saying is that this card does not indicate the repair work during the last four

p. 242 weeks?

Mr. Reed: I think it does.

A. Yes, it does. No. Look at this machine time that she had out, it is a question of all these things.

Q. (By Director Pratt) But is there any repair work?

A. Not in that particular case.

Q. In the last month it was machine trouble?

A. Well, we evidently didn't allow her then from May on; that was when I had that talk with her and I told Thelma that she just had to get in and do better work.

Q. And you were not going to make the allowance to her if she didn't, is that the idea?

A. I imagine that is what happened there. She did have a lot of break downs in Mrs. Neimeyor's section. She testified here Wednesday that she had this machine trouble.

Q. (By Mr. Rucker) Now, as a matter of fact, don't you recall that she had some words with her instructor because her machine, with which she had been working, was taken away from her and given to a woman by the name of Jennie Brown?

A. I don't recall anything about that but I do recall that Thelma Owen was constantly having words with every instructor she ever had.

Q. And that was true the entire time she worked there?

A. Yes, that is just why they didn't want her back.

p. 243 Q. Do I understand you to say that if a girl makes over the code that she is not charged with the time that she puts in on repairs?

A. I thought that I made it clear to all you gentlemen that we try —

Q. Please answer my question.

[fol. 5156] Mr. Reed: Let her answer.

A. We treat each problem as an individual problem and we analyze our operators and their problem. You take for instance if a girl sometimes would make a lot of garments that were

wrong and she was conscientious about doing it and so forth, instead of not letting her fall down constantly we would give her so much gratis time but if a girl makes a habit of constantly having repair work and didn't care, we would possibly make her pay for it herself.

Q. That was true of Thelma Owen you say, she constantly had repair work?

A. Yes, she did.

Q. Then under the rule you just announced, Thelma Owen was charged with the time she put in on repairs, wasn't she?

A. Well, I will not say that she was the entire time. It looks from analyzing this card that we were working with Thelma Owen very conscientiously and worked with her on her repairs until she was transferred to another section and she had this conversation with me and I told her it was up to her to get up there and make good, and from analyzing this card and knowing what I do of the situation, instead of having repairs, then she had machine break downs. She was constantly complaining about her machine break downs. That was not new at all. When she went up to Mrs. Neimeyor's section she had the same experience as when she was under Mrs. White.

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Q. I want you to answer this question. Is it the policy of your company where an operator runs over the code for a week's work, to charge the girl with the time she puts in on repairs?

A. I answered that.

Q. Well, please answer it, I didn't get the answer.

A. I said I treated each case —

Mr. Reed: Does the girl pay?

Mr. Rueker: No, she doesn't pay anything but the time is charged against her that she puts in on repairs, without pay.

Mr. Birkhead: You mean the time is taken out?

Q. (By Mr. Rucker) Is that the policy of your company?

A. I said it depended.

Q. What is your general policy?

A. We haven't any definite policy. Now that answers your question, doesn't it?

Q. No, it does not to my satisfaction.

[fol. 5157] A. We haven't any definite policy I say.

p. 245 Q. What is your usual plan?

Mr. Reed: Let her answer.

A. I said that we took each case and we analyze it very carefully.

Q. I understood you to say that.

A. All right.

Q. But have you no plan at all with reference to whether or not the time put in by operators, who have gone over the code, upon making repairs is charged against them?

A. Mr. Rucker, if I may explain our policy at the Donnelly Garment Company, maybe that will answer the question for you.

Every week when we analyze our payroll cards there are three people that go over that payroll card, the instructor, Mrs. Wherry, who has charge of the factory and Mr. Atchison, my assistant.

Now we analyze each one of those cards very carefully and consider what the operator has done during the entire week, what handicap she might have been under and we do quite a lot of things gratis, and then also we take into consideration if it is hard for them to handle new work and if it is, sometimes we give them an extra allowance, just to get started and then also we take into consideration that maybe a girl has had repair work and we don't want her to fall down too low because she is an $18.00 operator and we will give her money gratis.

Also a lot of times we just sort of figure, well she did have repair work but she will do better
p. 246 after this and we try to talk to our girls and inspire them to do better.

We have no set policy on that particular question. It is a matter of judgment and we use the very best judgment that we have and it takes three people's judgment.

Q. Now, do you make extra allowances to your operators who exceed the code?

A. Sometimes we do, absolutely.

Q. How often?

A. Well, I would say that on quite a number of occasions we do. We have one group of people that we call a flying squad, and we make them an allowance of so much an hour in addition to everything they earn.

Q. How many people in that squad?

A. Well, during busy seasons we have ten to twelve people.

Q. And how many people have you on your payroll down there, how many operators?

A. I would say that around January 1st we had about six hundred.

Q. How many have you now?

[fol. 5158] A. I don't know. I would have to check it up, that changes constantly.

Q. Approximately how many had you on the first day of November, 1934?

A. I don't know.

Q. Have you any records with you which will disclose that information?

A. Yes, we have records.

p. 247 Q. Will you be kind enough, when you come back after the noon recess, to bring me the number of operators you had on the 15th day of January, 1934, and each succeeding month thereafter on the 15th day of the month, up until now?

A. It would be impossible to get that record because we would have to go back and copy it. We do not have an active record on how many

we have. It would take a couple of days to get that information.

Q. You have no record at all which shows the number of employees that you have in the factory each day?

A. We can get it, we have to compile that information.

p. 265 Q. Now, Mrs. Reeves, I am just going to ask you a question about each one of these girls. I believe Glynn Brooks was discharged on account of inefficiency, that is the only reason, an inefficient and poor worker?

Mr. Reed: Was she discharged singly or did she go out with the rest of them?

A. No, she was laid off with one hundred and sixty-five other people and there were a lot of reasons besides that, that I could go into detail. Glynn Brooks is very irritable and she could not change from one operation to the other. Now, I want to tell you one of the policies [of the policies] of the Donnelly Garment Company and what we consider a first class operator.

p. 266 Q. Ellen Fry, was she discharged for the same reason?

Q. Was she let off for the same reason?

Q. (By Mr. Rucker) Then why was Ellen Fry not recalled?

A. Well, on analyzing our records and going through I have been able to find other people who we figured filled our requirements better than Ellen Fry.

p. 267 Ellen Fry was employed steadily from June 22nd, 1932 until July 13th, 1934.

Q. That is two years?

[fol. 5159] A. And the reason why Ellen Fry was kept those two years was due to the fact that during the depression we tried to carry out the idea of sharing work because we knew that it was hard to get a job any place else in

Kansas City that could give them year round employment. We talked to the operators about it and put it up to them and they were very enthusiastic about sharing the work plan which had been talked about a lot in the newspapers and I think originated from President Roosevelt, and so it came to the point of whether we were going to lay these people off or not and our operators wanted to take off a few days on their own time in order to give other people work and we allowed them to do that and we were very proud that they were willing to do that.

p. 280 Q. Now Mamie Tubbesing was let out. She was not let out at the July cut down?

A. At the time that Mamie Tubbesing came up and talked to me and asked me if we were going to call her back I said I didn't know and I didn't call anybody back unless I checked their record and I checked Miss Tubbesing's record and she told me that her instructor said she was satisfactory. I checked it up with her instructor and I checked it up with Mrs. Wherry and I checked it up with

p. 281 Mr. Atchison because that was the committee that decided, taking everything into consideration, which of these girls we would lay off. I offered Mamie Tubbesing some time work and she flatly refused to have time work. Miss Tubbesing came to my office with the express purpose of getting me told, telling me what she thought of me and what she thought of the Donnelly Garment Company and everybody in the Donelly Garment Company.

She certainly was. I never saw anybody that was madder or more incoherent. She was almost ready to burst into tears and I said "well, Mamie, if you think so bad of the Donnelly Garment Company and we are so terrible, why do you want to come back here and work." And she said "I don't want to come back here to work; I am just asking

whether you intend to call me back Mrs. Reeves" and she said "why, was I laid off", and I said "well, Mamie, you know that, it was your attitude," and she said "what attitude" and I went on to explain to Mamie that it was her indifference" and Mamie Tubbesing was taken off of the floor because several of the girls went to Mrs. Wherry and complained. If you are interested to know the name of the girl at the head of that group of girls I will be very happy to tell you.

p. 282 Katherine Chandler went to Mrs. Wherry and asked if Mamie could be taken off the floor because she was absolutely indifferent; she kept the girls waiting for thread and binding. Mamie was taken off the floor about July 20th, and due to Mamie's long service we kept her on the machine and we tried to do everything we could to help Mamie and when Mamie came back, when she got through telling me what she thought of me, I said "well, Mamie, how would you like to have some time work" and Mamie said she did not want time work. By time work I thought we might have some kind of work in either the dividing department or the renmant department or the turning of belts or something like that that Mamie was capable of making good at and she flatly refused me.

Q. Did I ask you about Tillie Shirley?

A. No.

Q. She was also let out in October?

p. 283 A. Yes.

Q. For [inefficency]?

[for. 5160] A. Yes, selected as one of our poorer operators. We do not go right out and pick these girls out; we had a problem on our hands. We did not have the work and we had to make a selection of one hundred and sixty-five people at one time and one hundred and forty-six at another time.

p. 284 Q. Why was Pauline Lutz let out?

A. Well, it has been the policy of the Donnelly Garment Company all during the years to weed out operators for their inefficiency. We cannot keep operators constantly who are inefficient and cannot make their average.

p. 285 Q. Now, Virginia Stroup did call upon you to take up the question of Pauline Lutz's discharge, didn't she?

Q. And did she not tell you that Pauline was one of the Union girls?

A. She did.

Q. And did you not say "as far as I am concerned we don't recognize you or your organization."?

A. I said "as far as I am concerned, Virginia I don't know why you should be speaking for Pauline. Pauline has never told me that she wanted you as a representative, or anybody else."

p. 296 Q. (By Mr. Rucker) You knew on February 13th, 1935 that certain of your employees were Union members, did you not?

A. Yes, sir.

Q. Then you told the boys that you had reemployed eight of the persons who signed the complaint at the time the complaint was filed?

A. Before the complaint was filed.

p. 298 I want to say, as far as Union employees of the Donnelly Garment Company, ever since I have been at the Donnelly Garment Company we have never asked anybody about whether they were Union or whether they were not Union and as far as any outside work was concerned we have always hired Union carpenters and Union electricians and people like that, so we have never discriminated in any way against anybody and have never been interested in their affiliations.

[fol. 5161] N. R. A. testimony:

p. 611 Mrs. Elizabeth Gates Reeves recalled as a witness, having been previously sworn, testified as follows:

Direct Examination.

Q. (By Mr Ingraham) Mrs. Reeves, are you acquainted with Thelma Owen?

A. Yes.

Q. Will you just tell the Board the kind of work that Thelma Owen did?

p. 612 A. Well, Thelma Owen was a fast operator and was capable of doing good work if she wanted to, but Thelma's instructors had to stand over her constantly and force her to do good work. And I have personally seen quite a few of her bundles that have been taken up to me for examination because her work was so poor. And I can speak very definitely that Thelma does very bad work, and I am personally responsible for having kept Thelma with the company as long as possible and bringing her back several times after we had laid her off.

Q. Now, she testified that when she was transferred to the ninth floor on May 3, 1934, that

p. 613 you asked if she belonged to the union. Is that true?

A. No, that is not true.

Q. When was the first that you learned of her union affiliations?

A. December 7, I believe, when we received Mr. Pratt's letter.

Q. After her lay-off did Thelma Owen and Blynn Brooks call at your office?

A. Yes.

Q. Did you ask her why she had called you from "old Perlstein's" office?

A. I asked Thelma if she had called me from Mr. Perlstein's office, and she said "No", she had not.

Q. Well, [retlate] just what took place at that time.

A. Well, Thelma came back and wanted to work. And about a month before, when we had transferred Thelma up to the ninth floor to give her one more chance, I had talked to her and told her to try to do better. And I per-

sonally knew that no instructor would have her back in their section. And I don't quite remember all the conversation now about Thelma.

Q. Well, did you ask her at that time of she belonged to the union?

A. No, I did not.

Q. Did you promise to put her back to work?

A. No, I did not.

Q. Now, what type of operator is Lillian Rutherford?

[fol. 5162] p. 614 A. Lillian Rutherford is a very poor operator, mediocre operator. She could do just the simplest work; straight sewing, I believe. Her instructor had to pick out the simplest kind of work for Lillian Rutherford to do. I believe that Lillian Rutherford made the statement that she had worked on samples.

p. 615 Q. She also states, "Very few repairs ever came back to me." Is that true?

A. That is not true.

Q. Could Lillian Rutherford make the code?

A. If an instructor picked out the very easiest work and had plenty of the very simplest operation and constantly kept enough work at her machine, it was possible for her to make the code at times. I wouldn't say it was possible for her to make the code over any period of time whatsoever.

Q. Now, in regard to Glynn Brooks, what type of operator was she?

A. Well, when Glynn Brooks first worked for the Donnelly Garment Company, she came into the employ of the Donnelly Garment Company through the efforts of her sister, Gladys Hosey. We thought a lot of Mrs. Hosey, and we still do, and we gave Glynn an opportunity and a chance. In fact, we taught her all she knows about sewing. Glynn made very, very good up until the time that it seemed like she was having some family difficulties, and she had a nervous breakdown and she quit. And

then during that period that she was off it seems like her husband died. And when Glynn came back to the employ of the Donnelly Garment Company she was a different person entirely, and she wasn't capable of doing the kind of work that she had done previously. And instead of having the inclination to get in and try, she became disagreeable and irritable, and it was almost impossible to
p. 616 make her understand, when she did do repair work, have repair work, how to fix it. She couldn't do anything but binding.

Q. Now, she came back March 20, 1933?
A. Yes.
Q. Now, since that time—
A. Pardon me. May I add that the reason why we took her back at that time, because she really hadn't made good, but we made allowances for that due to the fact that we knew she was under a nervous strain and we knew her home conditions; and one of the reasons we hired her back was due to the fact that Mrs. Hosey asked us if we just wouldn't have her back and the next time we had an opening wouldn't we give Glynn Brooks another chance and opportunity. It was due to her sister's insistency in bringing her to our mind all the time that we hired Glynn Brooks back again; not from her past record.
Q. Is her sister still in your employ?
A. Still in our employ.
Q. Was she able to make the code after she was returned? Mrs. Brooks?
[fol. 5163] A. According to our records, we had to make up to her nine times out of the last nine weeks she worked.
Q. Was she a slow operator?
A. Yes, Glynn was a slow operator.
Q. Did she admit to you at one time that she was?
p. 617 A. When she and Thelma came up, why, she admitted that she was a slow operator.

Q. Did you promise to call her back to work?
A. I said that I would look around and do everything I could to try to find something else for Glynn to do, which I did. And we didn't seem to get any busier then, and up to date I haven't been able to find anything that I think Blynn could do successfully. I had in mind at that particular time she might be able to turn belts, but we have been using a lot of ribbon belts and we haven't had as many belts to turn as we have had previously.
Q. When was the first that the company learned that Glynn Brooks was a member of the union or had any sympathies with the union?
A. December 7, when we received Mr. Pratt's letter.
Q. I don't think I asked you when the company or you learned of Lillian Rutherford's union affiliations or sympathies.
A. About the same time. December 7, I would say.
Q. Let me go back to Blynn Brooks. Do you recall that Glynn Brooks states in her complaint, "I did the most particular work in the section?"
A. Yes, I remember reading it. I don't remember her saying it.
Q. Is that true?
A. No, that is not true.
p. 618 Q. Now, are you familiar with the type of work that Tillie Shirley did?
A. Tillie Shirley did straight sewing; one type of work.
Q. Was she a three-type operator?
A. No, she wasn't. She could do just the one thing—straight sewing.
Q. Did she have any trouble making her code?
A. Yes, she did. We made up to her seven times during the last 9 weeks of her employment.
Q. Did she receive donations?
[fol. 5164] A. Yes, we give our girls allowances when they seem to have a hard time getting started

on new work, and we have put quite a few allowances on Tillie Shirley's work in order to help her along.

Q. Did she have any repair work?

A. Yes, Tillie Shirley had a lot of repair work.

Q. What was the date that you or the Donnelly Garment Company first learned that Tillie Shirley had any union affiliations or sympathies?

A. November 6, 1934.

Q. (By Mr. Ingraham) Will you explain that?

A. Tillie Shirley called on a young lady who happened to be living with my mother, and Nora McKee was with her, and they called and they said they were soliciting for the union; and, naturally, it being my mother, why she told me about it.

p. 619

Q. When was she laid off?

A. She was laid off in October; at the same time that there were 145 others laid off on account of seasonal slack and a limitation placed on us by the code.

Q. Do you recall in her statement that she states she joined the union October 23, 1934?

A. That date sounds familiar.

Q. Are you acquainted with the type of work that Mamie Tubbesing performs?

A. Yes, I am.

Q. Was she a good operator?

A. We considered Mamie a pretty good binder when we had plenty of binding. And we were pleased with her work, and we gave Mamie— When we ran out of binding, we picked her to go on the floor as thread girl and to give out bundles of work. And due to the fact that Mamie didn't make good on the floor and the girls in her sections complained about her constantly because she was indifferent and didn't care anything about giving them work and keeping them on work, they went to Mrs. Wherry and asked if she couldn't be taken

off the floor, and we had to take Mamie off the floor.

After putting her back on the machine we didn't have any more binding because we had changed our operation—it happened to be in
p. 620 the fall of the year—and we put her on pinking, giving her an opportunity on that. We tried to work with Mamie but her attitude was such that it was almost impossible to work with her, and she couldn't make the code on pinking. All Mamie seemed to be able to do was binding. All that shows from her previous record.

[fol. 5165] So when we laid off the people in October, due to her attitude and her indifference and her lack of cooperation, why, we chose Mamie to be laid off.

Q. Now, after she was taken off the floor and put back on the machine, did the company give her a donation in order that she would make a minimum of $18 a week?

A. We did for one week, I believe. And then we did make her some allowances on her work until she got started on pinking, in order to have her maintain her $18 a week standard.

Q. Now, did you offer to give her time work after she was laid off?

A. Yes, I did.

Q. Did she refuse to accept the offer?

A. Yes. And she told me she wasn't asking for work and she didn't want to come back to work. She just wanted to know if we intended to call her back to work. And what I had in mind as far as time work is concerned, I figured that anyone with Mamie's experience would have been a good person in the dividing department; and if she would have ac-
p. 621 cepted the offer we would have been able to put her in the dividing department where she would have started out with $15 a week and very soon worked up to $18 and $20 a week.

Q. Did she state that she had temporary employment?

A. Yes, she did.

Q. Did she state where?

A. No, she didn't.

Q. During this conversation, did she complain about the company?

A. Yes. She came up there, it seemed, with the express purpose of telling me everything that was wrong with the Donnelly Garment Company. In fact, as I believe I testified before, she was very angry, and she seemed to be getting all worked up. I couldn't quite find out just exactly what all was wrong, but everything was wrong from her own statements.

Q. Was she constantly complaining when she was employed?

A. No, her attitude was very indifferent, and she didn't seem to be getting along at all, and she made herself very unhappy. That is, after she was put back on the floor. But we sort of thought that was natural in anyone who had been given a position as a thread girl, for, after all, it was a demotion.

Q. Well, after she was put back on the floor did she have trouble making her code?

A. After she was put back on the machine?

Q. Yes.

[fol. 5166] A. Yes.

p. 622 Q. (By Mr. Ingraham) Are you acquainted with the type of work Ellen Fry did?

A. Yes, Ellen Fry was a straight sewer.

Q. When was she laid off?

A. Ellen Fry was laid off in July with our first lay-off. Or in June. Which was it.

Dir. Pratt: July. We all know that.

Q. (By Mr. Ingraham) Was she a three-type operator?

A. No. Ellen Fry couldn't do anything but straight sewing, and she couldn't do that very well.

Q. Her work was poor?
A. Very poor. And she was constantly complaining of every little thing.
Q. Did Ellen Fry have any repair work?
A. Ellen Fry had lots of repair work.
Q. Will you tell about a conversation that took place in your office with Ellen Fry?
A. I believe I have gone over that. I will go over it again if you want me to.
p. 623 Q. Well, I will ask you if Ellen Fry stated that she was very badly in need of work.
A. Yes. Ellen Fry was constantly— That's the reason we reemployed her when we did, because she was always complaining about how badly she needed work, and she had four children, and we felt very, very sorry for her. And the last time Ellen Fry came up and talked to me, why, she told me she was going to lose her home, and I was sorry, but there were about 150 more that were in about the same condition and I took time to investigate a little bit more that time, and I found out from my investigations that Ellen's husband was employed and Ellen wasn't so bad off as some of the other people that we put to work.
Q. Is her husband employed at the Kansas City Wholesale Grocery Company?
A. That's what I understand.
Q. And has been employed for the last 2 or 3 years?
A. That's what I understood.
Q. Was it necessary to make up to Ellen Fry during the last 9 weeks she was employed in order that she be paid her code?
[fol. 5167] A. Yes, six times during the last 9 weeks she was employed.
Q. Now, do you know whether or not her work was changed seven times in one day, as she testified?
A. I know that's not true, because Ellen came up and told me the same thing, and I immediately investigated at that particular time and I found it was not true.

p. 624 Q. When was the first that you learned that Ellen Fry belonged to the union or had any union affiliations?

A. I think the first I knew about Ellen Fry belonging to the union was on December 4 when she personally handed me one of these invitations as I was going into the building, to go to a mass meeting.

[fol. 5168] Proceedings — Before N. R. A. Board.

p. 755 Mrs. Elizabeth Gates Reeves, recalled as a witness, having been previously sworn, testified as follows:

Q. (By Mr. Ingraham) Mrs. Reeves, do you know Gladys Elledge?

A. Yes.

p. 756 Q. Did the company have any knowledge that Gladys Elledge was a member of the union?

A. None whatever.

Q. Did the company have any knowledge that she was sympathetic to the union?

A. No, not at all.

Q. Was the sole reason for her discharge the fact that the insurance company had advised the Donnelly Garment Company that she had worked at another garment company during the time that she was supposedly ill and had been receiving sick benefits?

A. That was the sole reason that Gladys Elledge was discharged. Otherwise we wouldn't have kept up her insurance for her and had her come back to work the minute she said she was able.

Q. Are you acquainted with Lou Perkins?

p. 757 A. Not personally. I don't ever remember of seeing Mrs. Perkins.

Q. Can you state the date of her last employment?

A. Yes. Mrs. Perkins was employed the last time August 20, 1934.

Q. And how long did she work at that time?

A. She worked until September 13, 1934.

Q. Was her employment at that time temporary employment?

A. Yes. Mrs. Perkins was employed to do hemming, and we tried her on hemming and she didn't make good, and we had to lay her off.

Q. Can you state whether or not she made the code during her last employment?

A. No. The [weeking] ending August 24, Mrs. Perkins made $9.07; August 31st $10.40; and she only worked 14 hours the next few days, and she made $2.45,—the Donnelly Garment Company having to make up to her $5.63 the week of August 24, $4.60 the week of August 31, and $2.89 for the 14 hours that she worked the week of September 7.

Q. Can you state the type of operator that she is?

[fol. 5169] A. Mrs. Perkins? I don't know anything personally about Mrs. Perkins' record, but I have the supervisors' estimate cards here. Mrs. Perkins was in our employe and laid off July 25, 1933. Mrs. Lena Allison signed this

p. 758 as her instructor and said she was too slow. Her quality of work was fair, but her quantity of work was poor. Her personal characteristics were that she was obedient, reliable, and cooperative.

On her lay-off of June 22, 1934, Mrs. Wherry signed her supervisor's estimate card of the employee, and her quality of work was fair, her quantity poor; and as to her personal characteristics she was obedient, reliable, and cooperative.

On September 13, 1934, we have the reasons "Temporary" here, and Mrs. Gnotta signed her estimate card and said "No," she wouldn't consider her for reemployment. Her quality of work was fair, her quantity of work was poor; she was obedient, reliable, and cooperative.

That's the complete record on Mrs. Perkins.

Q. Now, at the time she was last laid off, did the Donnelly Garment Company have any knowledge that she was a member of the union or had any sympathies for the union?

A. No.

Q. When was the first the company learned of her union affiliations?

A. The letter from Mr. Pratt Dated December 6; received by the Donnelly Garment Company December 7.

p. 759 Q. (By Mr. Ingraham) Mrs. Reeves, you were present here and heard Virginia Stroup testify?

A. Yes.

Q. Do you recall her testimony in regard to a conversation with you on the afternoon of the 1st of December when she gave the following testimony:

p. 760 "Then about the first of December, about 3 o'clock one afternoon, Mrs. Reeves sent for me to come to her office. And I went up there. She says, 'Virginia, do you belong to the union?' I said, 'No, ma'am.' She says, 'Well, there's been some rumors around about your being with a bunch of girls up on a certain date that took a girl with you in the car, didn't tell where you were taking her until you got on your way; and when the girl found out where she was going, which was supposed to be a union meeting, she jumped out of the car.' And I said, 'Mrs. Reeves, I don't know anything about that.'"

Now, do you recall any conversation like that with Virginia Stroup?

A. No, I don't recall any conversation like that at all.

Q. Well, did you ask Virginia whether or not she belonged to the union?

A. No, I didn't.

Q. She further testifies as follows:
"And I said, 'Mrs. Reeves, I don't know anything about that.' I said, I have studied the

economic situation, and I think I know it, but I don't belong to the union.' So she was very well satisfied with my answer and let me go." Did she make any statement like that?

[fol. 5170] A. I don't remember any of that conversation at all. I don't remember calling Virginia up around December first or anything about it at all. I don't believe we had such an conversation.

p. 761 Q. Do you remember her testimony where she said that she was called up to your office with Frances Riedel and a girl by the name of Fannie? And she testifies that you said as follows:

"'I am getting darned sick of you girls carrying on like this.' And she sat Frances and I right in front of her. In fact, I was in direct line of her, and Frances was like to the side.

"About that time Fannie came in, and she said, 'This goes for you, too, Fannie.' And I said, 'Mrs. Reeves, Fannie doesn't even know what you are talking about.' So with a few words to Fannie about what she must do, go down and make her code or else out she goes, she told Fannie she was dismissed.

"So then she told us, she said, 'I don't care if you belong to 25,000 unions, you can't come in here and tell us how to run our industry. Just where do you get the idea of using the Donnelly Garment Company's name in a local union?' And I told her that it was for the Donnelly workers; it wasn't for any other dress shop but the Nelly Don workers."

Now, did that conversation take place?

A. I was reprimanding Virginia and Frances Riedel for wasting time running back and forth to the wash room. Virginia announced that she was now a member of the union and that she had her feet on the ground and that the Donnelly Garment Company could not let

her go because she knew where she stood now.

And I told Virginia that I didn't care whether
p. 762 she belonged to 20,000 unions; that she had to go downstairs and do her work and she couldn't waste time that she was being paid for. Just the same as I did Fannie Lockwood, who was not a member of the union. We can't tolerate that kind of conduct.

Q. What was the occasion of calling Virginia Stroup and Frances Riedel up to your office at that time?

A. It had been reported to Mrs. Hyde that Frances Riedel and Virginia Stroup were running back and forth to the wash room and that Virginia had refused to go to her machine earlier in the morning when the power was turned on. And I called Mrs. Gnotta up first to find out whether those were the facts in the case, and she assured me that they were. And then I called up Virginia and Fannie at the same time. Virginia and Frances came into the room at the same time, and Fannie Lockwood came in a few minutes later.

Q. She further testified that you said as follows: "So she said for us to report to Sol Goldberg to keep his nose down there in his own business."

Did you say anything like that?

A. No, I didn't even know who Sol Goldberg—I never heard the name "Sol Goldberg." I knew a Mr. Plotkin who had been connected with the union. And I had had a conversation with a Meyer Perlstein over the telephone on July 18 and had made an appointment for him to keep, which he didn't keep when he told
p. 763 me that he was sure there must have been a mistake and that we were not discriminating against anybody, and where I did not say to him that he was wasting time or that we were wasting time, as he testified this morning.

Q. Now, that conversation took place after you received a letter from Mr. Perlstein dated July 18, 1934?

[fol. 5171] A. Yes, I think it was July 17 or 18. And I called up immediately when I received the letter to find out what it was all about.

Q. When was the next that you had any communication with Mr. Perlstein?

A. He called me up and said that I had made an appointment with him for 11 o'clock for the following day, and he told me that he was trying to get his girls lined up. And so then he called up and said that he guessed there must have been some mistake, and he broke the appointment, and I haven't heard from him since.

Q. So that was the last time you heard from Mr. Perlstein?

A. That's the last time I ever heard from Mr. Perlstein, and today is the first time I ever saw him.

Q. And that was approximately July 19?

A. Just about that date.

Q. These complaints were filed December 6?

A. Yes.

Q. Virginia Stroup further testifies that you said that you were anxious to know "Just what we would report to our office so she could be prepared to know what to say."

p. 764

A. I don't remember saying anything like that. I might have. I don't know.

Q. Did you state to her, "Just what is your job in this one-horse organization"?

A. She told me that she was the chair lady at the plant to find out just exactly why people were laid off. And I said, "Well, what are your duties, Virginia?" and she said, "Well, I am to investigate each lay-off." And I said, "From whom are you going to get your information?" and she said, "You are supposed to report to me." And I told Virginia that I absolutely was not reporting to her. And I also turned to Mrs. Hyde and said,

"Now, Ella Mae, you are to give out no information about the other employees of the Donnelly Garment Company. Our records are confidential."

Q. Well, what was the occasion of your inquiring about Virginia Stroup's position with the union?

A. Because she announced what she was; that she had her feet on the ground, and that now she was chairlady, and I wanted to find out what this "chairlady" meant.

Q. Did you state to her that Frances and herself were just like a couple of little children that had gone wrong and were misled, and that you would just like to take them over your lap and give them a darned good spanking?

p. 765 A. I don't really consider them children from their age, and they have children of their own. Virginia has two daughters of her own, I understand. Not children.

Q. (By Mr. Reed) Did you make any such statement?

[fol. 5172] A. [Do,] I didn't make any such statement.

Q. (By Mr. Ingraham) Did she at that time complain about her work?

A. She did say something about that she was working hard—She was making some excuses about, oh, not working; and I think she did mention something about working awfully hard, and so forth. And I said, "Well, what seems to be the matter, Virginia?" and she said, well, she didn't seem to be able to make it. And there was some conversation about it, but I just couldn't tell you exactly what it was.

Q. Did you at that time state that she and Frances had to get down there and work?

A. Yes, I did.

Q. Did you state to her, "Why don't you take your little band and walk out? Don't you think that the Donnelly Garment Company

has always been fair to you in every way?" Did you make those statements?

A. No, I didn't say, "Why don't you take your little band and walk out?" I might have said that the Donnelly Garment Company had always been fair to them.

Q. She testifies that the speed-up system is very strict and is very hard. What is the speed-up system?

p. 766 A. Well, I am sure I don't know what she means by the speed-up system at all. Our system, I would say, is the best in the United States. We take in consideration our employees. We have broken our operations down to such a point that a girl who hasn't spent years and years and years as an apprentice can really get in and make a good operator. We have spent hours on planning and have built up a real system; and, as a result,—this sounds like bragging—we are about the most efficient factory I would say in the United States. But it is because we spend so much time and energy planning our work for our girls.

Now, to go into detail on that, I would say that at most factories the girls have to get up and get their own work. We have two people there, keeping them supplied constantly with work.

Q. (By Mr. Blume) Each section?

A. Each section. Each section of 40 girls has two people who keep them in work constantly and have their thread and binding and everything that goes to make that garment for them so that the girls don't have to waste their time by getting their own work. And they are paid for it. Now, that in itself is a speed-up system, but, of course, it costs the Donnelly Garment Company a lot of money to supply that supervision.

Q. (By Mr. Ingraham) It is not a system in the sense that they term it, but it means a more efficient system?

p. 767 A. It is a more efficient system, and it isn't that word that is misused, "speed-up."

Q. And it is not any harder on the employees? In fact, it is easier?

A. It is easier on the employees.

Q. And they are enabled to make more money?

[fol. 5173] A. They are enabled to make more money by our efficiency in our planning, in getting the work down to them.

The same thing is followed through from our cutting. Our garments are cut right, and they are inspected after they are cut before they are sent down to the section, and the operator doesn't have to pay for a cutter's inefficiency, like they do in a lot of places.

Q. [No,] did Virginia Stroup call you in regard to Pauline Lutz?

A. Virginia Stroup did.

Q. What did [you] state to you?

A. She said she would like to talk to me about Pauline Lutz and would like to have me change Pauline's work.

p. 768 Q. (By Mr. Ingraham) Did you state at that time that you were sorry for Virginia and that she was throwing a thousand girls out of employment and that you wouldn't want that on your soul?

A. I didn't say that. I didn't say anything like that.

Q. Now, have you got the attendance record of Virginia?

A. Yes.

Q. Will you state how many absences she has had since the first of the year?

A. From January 4 until and including the week of March 8 Virginia had only put in one full week's time, and that was January 25; one entire week, full time.

Q. Were there any special days she was absent?

A. She was absent—I haven't the days down here. I couldn't say.

Q. (By Dir. Pratt) You are referring to 1935?

A. 1935.

Q. (By Mr. Ingraham) When was Virginia transferred to the Twenty-sixth Street Building?

A. December 19, 1934.

Q. Now, since that time have you got her record of the wages she received?

A. Yes. Virginia has earned 43.7 cents per [our] since she has been working over at the—Since January to April. During the month of December her earnings were 42.1. During the year of 1934 Virginia's entire piecework earnings during the entire year were 38.27. So she has improved since she has been transferred over to the [over] building.

p. 769

p. 776 Q. (By Mr. Ingraham) Now, getting back to Virginia Stroup again. She has testified that she was a joiner, she joined dresses around the waist; and that after she was transferred to the Twenty-sixth Street building that type of work was taken away from her. Do you know whether that's a fact or not?

[fol. 5174] A. I believe that that's a fact. I believe Mrs. Allison ran out of joining, and she put her on straight sewing. I believe setting pockets at one time, as I remember it, or sewing seams in skirts, which is a very simple operation. In fact, we start all our beginners out on setting pockets. Maybe that is the reason why Virginia's showing is better.

Q. She is making better money?

A. She is now than when she was over at the 1828 Walnut Building when she was working on joining.

Q. When this new section was created on Twenty-sixth and Walnut, how many union girls were sent to that section? that you know were union?

A. Well, that's hard to answer. None that I knew were sent—When it was first opened—When we open a new section, we pick out a few to do first-part work and gradually fill in when we get the work ready for them. I
p. 777 believe that we opened that section first with six girls, sent six girls over first; and, as I remember, none of the people here who have stated that they belonged to the union were among those six. Then I think the next day we followed through with six more, and maybe 2 days afterwards we followed through with six more, until we had completed a section, picking out the girls that we felt would do better over there or would help in building up a section.

Q. Well, how many union girls are there now, that you know?

A. Nine.

Q. (By Mr. Rucker) Will you give their names please?

A. Virginia Stroup, Frances Riedel, Nora McKee, Ollis Thompson, Loretta Sisson, Flossie Walton, Lillian Wales, Katie McKinsey, Kathleen Jenkins.

Q. (By Mr. Ingraham) What is the total number in that section?

A. There are 40 girls in that section, and I think there's three inspectors.

Q. Well, when these nine girls whose names you have read were sent to that section, did the fact that they had union affiliations have anything to do with sending them there?

A. Not at all.

Q. Now, some of the operators, including Virginia Stroup, that work in that section at the present time are making more money than they did at the old building?

A. They are.

p. 778 Q. Now, are the sanitary conditions and working conditions in the building at Twenty-

sixth and Walnut just as good as they are in the building at Eighteenth and Walnut?

A. Absolutely. We have State supervision there the same as we have any place else.

Q. Mr. Rucker the other evening asked you to produce the record of an employee that was hired December 6 as a little hemmer. Have you got that record?

A. I have.

[fol. 5175] (By Mr. Rucker)

p. 791 Q. I am quite sure you are!
Now, didn't you tell them about the first of October approximately this, or in meaning: "That I know exactly who belongs to the union." Didn't you tell each section that?

p. 792 A. No, I did not.

Q. What did you say about it?

A. Well, I don't remember discussing the union very much at all. In fact, I don't believe I said anything about it. I was discussing general things with the girls, like I do every so often; and I don't call one section unless I call every section in the place.

Q. All right.

A. And I couldn't tell you just exactly that conversation, because it was just a general conversation. I might have been talking to them that our Spring line was coming out, our first spring line would be out about November 15, and it might be possible that we might have to lay off a few more girls until we got under way on this spring work, or something like that.

Q. Now, let's see if we can get this "yes" or "no." Do you now deny that when you called the various sections in your factory before you for discussion of various matters about the first week of October 1934 that you then said to each section, "We know exactly who belongs to the union"?

A. I don't remember saying anything like that at all.

Mr. Rucker: That's all.

Redirect Examination.

Q. (By Mr. Ingraham) And would you have remembered it if you had said anything like that?

p. 793 A. I am sure I would, because I had received instructions a good many years ago, when I first took over a position of authority from Mrs. Reed, that, as far as we were concerned, we were an open shop and we wouldn't discriminate against any persons, and we never even considered whether they belonged to the union or not. Those have been my instructions ever since I have worked for the Donnelly Garment Company. And since signing the code, I have read 7-A, and it would be a discrimination if we discriminated against or for the union.

N.R.A. Testimony.

[fol. 5176] p. 448 Dewey Atchison, called as a witness, being duly sworn, testified as follows:

Direct Examination.

Q. (By Mr. Ingraham) State your name.
A. Dewey Atchison.
Q. Where are you employed, Mr. Atchison?
A. Donnelly Garment Company.
Q. In what capacity?
A. Production engineer.

p. 452 A. That is the practice of the company continually, to find and develop operators who can do several classes of work in order that we may give them work throughout the year.
Q. Now, even before 1928 was that the practice of the company?
A. Yes, that has always been the practice of the company.
Q. What has been the practice of the company in weeding out poor operators?

A. The company has always, with the exception of, I believe, 2 years in 1932 or 1933 when we had the share-the-work plan, —we have always through the slack seasons endeavored to first lay off our operators who were not adaptable for the different operations and who were the poorest operators in wage earning, also the ones who did the poorest quality of work; and, as I stated earlier, using the different
p. 453 things which we consider when we employ operators.

p. 457 Q. (By Mr. Ingraham) Now, do I understand you to say that if Mary Jones and Bessie Smith earn the same amount that, then, in case Mary's work was of a superior quality, she would be retained? Or do you mean to say that the quality of the work comes first even though Mary Jones wouldn't earn as much as Bessie Smith?

A. The quality of the work comes before the earnings.

Q. In other words, you retain operators whose earnings are not as large as some operators laid off, on account of the quality of the work?

A. Yes.

Q. That has always been the practice of the Donnelly Garment Company?

p. 458 A. Yes. As I stated before, the success of our plant is largely due to the quality of work which we produce.

p. 487 Q. Well, Ellen Fry was one of those brought back, wasn't she?

A. I think she was, as I remember it.

Q. Then how do you account for the fact that you bring back your best operators, and you brought her back in 1933 as one of your best operators, and then when you get ready to lay her off you find she has all the qualifications of your poorest operator?

[fol. 5177] p. 488 A. Ellen Fry was never considered one of the best operators.

Q. Yet you brought her back in 1933 when you just got through telling the Board you brought back the best operators.

A. She was one of the best operators in that group, but that does not have any bearing on the conditions where you have around 500 operators. She may be one of the best operators in a section of 40; therefore, she was not laid off. She was brought back to 1828 Walnut.

Q. Now, isn't it true that you did call her back there, she worked until there was a scarcity of work, you laid her off for a few days until her old section on cotton dresses was opened up, when she was recalled?

A. I don't remember that instance exactly.

Q. You don't remember that. And don't you know that she was changed from the binder to straight sewing and put on joining?

A. She has done some straight sewing, as I remember her case.

Q. Now, you knew that Ellen Fry had union learnings at the time you laid her off, didn't you? A. No, sir.

p. 495 Q. (By Mr. Rucker) Now, do you know a Mrs. White, who is employed by the respondent?

A. Mrs. White? You mean an instructor by the name of Mrs. White?

Q. Yes, Mrs. White, an instructor.

A. Yes.

Q. Did you call upon Mrs. White when you were determining which girls to lay off from her section?

A. I do not remember which section— You are referring to Ellen Fry?

Q. I am talking about all of the girls. Now, that's a general question. In her section.

A. All of the girls in her section, yes.

Q. Now, do you remember Mrs. White saying anything about their union affiliations?

A. Mrs. White did never say anything to me about any of their union affiliations.

p. 496 Q. In fact, as I understand it, you never heard anything about any girls in your organization belonging to the union until this complaint was filed?

[fol. 5178] A. Meaning which? The complaint of Mr. Pratt's?

Q. Yes.

A. I believe that's the first time I knew of their union affiliations.

Q. Never heard of anybody in your factory having union affiliations? A. No, sir.

Q. Is that right?

A. With the exception of one instance, a cutter.

Q. But of these women, I am talking about.

A. No, there was none of them that I ever heard being affiliated with the union.

p. 505 Q. Now, do you mean to tell this Board that there was no effort made out there to prevent anybody joining the union?

A. I do.

Q. You knew that these girls who were known to be members of the union were not permitted to join your Loyalty League, don't you?

A. I do not.

Q. You didn't know anything about that?

A. No, sir.

Q. Have you a list of the members of the Loyalty League?

A. I do not have anything to do with the Loyalty League whatsoever, excepting that I have signed an application card.

Q. Well, who does have anything to do with it out there?

A. The employees themselves.

Q. No executive had anything to do with forming it, then? A. No, sir.

Q. Well, what employees started it?

A. As I remember and have heard through the publication of our N. D. A. A. News, it originated with Mrs. Strickland and Mrs. Gray.

Q. Who are they?

[fol. 5179] A. Mrs. Gray works in the store, retail store. She has a sales position. Mrs. Strickland works in the pattern department.

p. 511 By Mr. Rucker:

Q. Now, next we will take up Glynn Brooks. Now, Glynn Brook's average was 37 cents. Was that one of the reasons for not recalling her? A. It is one of the few reasons.

Q. Now, I note you say here in subparagraph 2, "Of the two groups laid off, there are over 100 who are unquestionably non-union and who have not yet been recalled." What information did you have, and where did you get your information, about when these girls joined the union?

A. We did not have any information on when they belonged to the union.

Q. Never have heard that?

A. Except the letter from Mr. Pratt and the statement on Christmas when we got the card.

p. 518 By Mr. Rucker:

Q. Now, aside from this card you have here which is headed "Donnelly Garment Company: Names and addresses of employees", you have no original record to present to the Board which shows the reason of Glynn Brook's discharge, have you?

A. Original reasons of Glynn Brooks's discharge?

Q. I say, you have no original record of the Company, aside from this card here, which shows the reason for her discharge, have you?

A. No.

Q. And that shows that she was let out because

p. 519 there was no work, doesn't it?

A. Yes.

Q. Well, that was true; there wasn't any work?

A. That's right.

Q. And that was the reason for letting her out?

A. That was the reason for letting her out.

p. 520 By Mr. Rucker:

Q. Now, going to Mamie Tubbesing: Mamie Tubbesing, according to your record, went to work for you first in September 1925, did she not? A. She did.

Q. Now, was one of the reasons for discharging her because of her inefficiency?

[fol. 5180] A. One of the reasons, yes.

p. 522 Q. And she was laid off when? The fourth of October? A. Yes.

Q. So you had to make up to her the last 10 weeks she was employed?

A. Eleven weeks, with the exception of one.

Q. Now, during that time were you present when Mrs. Reeves offered her time work?

A. I was.

Q. Did she refuse to accept it?

A. As I remember, she did.

p. 525 Q. All right. You say Mamie Tubbesing was discharged in this report which you made to the Board, which you say came from your records, because the quality of the work was only fair, the quantity was only fair, she was noncooperative, very unreliable and insubordinate. That's what you told the Board, wasn't it?

p. 526 A. No, sir.

Q. That isn't what you told the Board?

A. No, sir. You asked me the question just now if that's the reason she was laid off. That isn't the reason she was laid off. She was laid off on account of no work.

Q. Well, what have you got all these things in here for?

A. She was not recalled for those reasons.

p. 595 Q. (By Mr. Ingraham) Mr. Atchison, you were present when Frances Riedel testified, were you not?

A. At this meeting?

Q. Yes, at this hearing.

A. Yes.

Q. Do you recall that she testified that she had a conversation with Mrs. Reeves, at which you were present, and that during that conversation she testified that this was said: This is her testimony: "And then Mr. Dewey
p. 596 asked us girls why we didn't come to them about our wages and things instead of going down to a bunch of foreigners; that we would get far more out of it." Do you recall making any such statement as that?

A. No, I did not make any such statement as that.

[fol. 5181] Proceedings—Before N. R. A. Board

Mrs. Bessie Neimoyer was sworn and testified as follows:

Direct Examination

p. 1004 Q. (By Mr. Ingraham). State your name, please.

A. Mrs. Bessie Neimoyer; N-e-i-m-o-y-e-r.

Q. Mrs. Neimoyer, are you employed by the Donnelly Garment Company?

A. Yes, sir.

Q. In what capacity?

A. As an instructor.

Q. How long have you worked at the Donnelly Garment Company?

A. I don't remember just how long. I think around 11 years.

p. 1005 Q. 531. Was Telma Owen in that section?

A. Yes, sir.

Q. Now, will you just tell the Board the type of operator that Thelma Owen was.

A. Well, she was a very poor operator. Her quantity was good but she had so many repairs. She had been tried by so many other instructors, and I absolutely almost refused to take her, but Mrs. Reeves insisted that I take her and give her another trial.

Q. Did you have trouble with her, then, when she worked in your section?

A. Yes.

Q. What was the nature of that?

A. She was very careless about her dress.

Q. What about her work?

A. Her work was very poor. She stretched the seams, and every chance she got she would lengthen the stitch.

p. 1006 Q. You recommended that Thelma Owen be laid off?

A. She was laid off when my whole section was laid off.

p. 1007 Q. I say, you have never given any consideration, on the question of reemployment of Thelma Owen, that she was a member of the union or had any union affiliations?

A. No, sir.

[fol. 5182] Proceedings—Before N. R. A. Board.

MARIE PATTON was sworn and testified as follows:

Direct Examination.

p. 959 Q. (By Mr. Ingraham) Just state your name, please.

A. Marie Patton.

Q. Where are you employed now, Mrs. Patton?

A. For the Donnelly Garment Company.

Q. In what capacity?

A. As an instructor.

Q. What is the number of your section, Mrs. Patton?

A. 412.

Q. Was Mamie Tubbesing an operator in your section?

A. She was.

Q. When was she laid off?

A. I don't know the exact date.

p. 960 Q. (by Mr. Ingraham) Did you have any trouble with Mamie Tubbesing in regard to the work she could do?

A. At times, yes.

Q. Just explain what you mean by that, Miss Patton.

A. Well, she was just a binder and if I didn't have any binding I didn't have anything I could give her. I couldn't change her on straight sewing or anything else. Just binding is all she could do.

p. 961 Q. Will you tell the circumstances regarding your having her to do that kind of work?

A. She was put on because we didn't have any binding and didn't have any work I could give her. At that time our line was practically all straight sewing. In my section, it is about all straight sewing, and we picked her out and put her on the floor to give her work.

Q. What was the occasion of putting her back to work as an operator?

A. Well, she didn't do right—didn't carry out her work right on the floor. She slacked in several of her duties and I was asked by a number of the operators to give them some one else to help them—to get their work to them. I had complaints from different ones, and she just didn't carry out her work.

p. 962 Q. And the girls complained?

A. Constantly. The girls, further, went over my head and went to the floor lady and asked to have her taken off the floor. I asked to have her removed; and it went on for awhile and the girls went to the floor lady.

Q. Was her quality of work good after she returned as an operator?

[fol. 5183] A. No. Her attitude was different. It seems that she didn't take hold like she did before.

Q. Now, you recommended that she be laid off in October, 1937?

A. I did.

p. 964 Q. But you did recommend that she not be re-employed because—

A. Of her attitude.
Q. Because of her attitude?
A. Yes.
Q. Just explain what you mean by her attitude, Miss Patton.
A. After she was put on the floor her attitude towards her work was different. She didn't seem to care whether she took hold and got out the quantity of her work that was required for her to get out, and in general, she just took a different stand on her work after she was taken off the floor.
p. 965
Q. Do you mean that she resented the fact that she was reduced from a floor girl to an operator?
A. Yes.
Q. Did you know that the company had to make up to her ten times during the last ten weeks that she worked?
A. She had quite a lot of expense.

[fol. 5184] Proceedings Before the NRA Labor Board

Mr. Ingraham. Mrs. White, please take the stand.

Mrs. Lillian White was sworn and testified as follows:

Direct Examination

Q. (By Mr. Ingraham) Just state your name please. A. Mrs. Lillian White.
Q. Mrs. White, where are you employed? A. Donnelly Garment Company.
p. 816 Q. And you were put in charge of 521?
A. Yes.
Q. Did you have in that section only girls or operators that could do the simplest kind of work?
A. Yes, I did.
Q. Was that section the section that new girls would be sent to?

A. Yes; and as they advanced they would be taken out of my section to other sections.

Q. Did Lillian Rutherford work in your section last June?

A. She did.

Q. What type of work could she do?

A. Only straight sewing.

Q. She was limited to that one operation?

A. Yes.

p. 817 Q. Do you know whether or not her quality of work was good or bad?

A. Her quality was poor.

Q. What about her quantity?

A. Well, it was fair.

Q. Would you say that she was a poor operator?

A. I would.

Q. Did you recommend in June that she be one of the ones from your section to be laid off?

A. I did.

p. 818 Q. Mrs. White, at the time you recommended in June that she be one of the ones from your section to be laid off, did you consider in any way any union sympathies or affiliations which Lillan Rutherford might have had?

A. I did not.

Q. Did you know that she had any union affiliations or sympathies at that time?

A. No, I did not.

[fol. 5185] Q. When was the first you ever heard that Lil- Rutherford had any union affiliations or sympathies?

A. One day when Mrs. Reeves called me into her office. At that time she had received a letter from Mr. Pratt that this girl had belonged.

Q. Now, in considering girls to be re-employed, have you ever taken into consideration in determining whether or not to be recommend the re-employment of Lillian Rutherford the fact that she is now a member of the union or has union sympathies?

p. 819 A. No; because her work was a poor class of work.

Q. Now, you had also in your section a girl named Thelma Owen?

A. I did.
Q. Was she in section 521?
A. Yes.
Q. And she was in that section last June?
A. Yes, she was.
Q. 1934?
A. Yes.
Q. Will you tell the Board what the quality of her work was?
A. Well, it was poor. I had to watch her work. She used 6 stitches to an inch instead of our 12 stitches that we are required to use. Also she stretched her seams badly and there was a lot of repair work from other instructors that came back. I went to Mrs. Reeves one day and asked her if she couldn't be changed; that she probably would do better work for someone else.

p. 820 Q. Did you know at that time that Thelma Owen had any union affiliations or sympathies?
A. No, I didn't.
Q. When you asked that she be transferred from your section, the fact that she had any union affiliations or sympathies wasn't considered by you in any way?
A. No, it wasn't.
Q. When was the first time you learned that Thelma Owen had any union affiliations or sympathies?
A. Not until the letter from Mr. Pratt came into the office.
Q. That was in December, 1934?
A. Yes.
Q. Long after she had been transferred from your section?
A. Oh, yes.

[fol. 5186] Q. Did Glen Brooks work in your section?
A. She did.
Q. What type of an operator was she?
A. Just a binder.
Q. That was the only operation she could do?
A. That was all.
Q. What was the quality of her work?

p. 821 A. Well, it was poor.
Q. What was the quantity of her work?
A. Well, it was fair.
Q. Did she have much repair work?
A. Yes, she did.
Q. Did you recommend that she be one of the girls or operators to be laid off from your section in June, 1934?
A. I did, on account of her work.
Q. At that time did you know of any union affiliations or sympathies which she had?
A. No, I didn't.
Q. In considering laying her off, did you take into consideration the fact that she was a member of the union or had any sympathies with the union?
p. 822 A. No; not whatever.
Q. When was the first you learned that she had any union affiliations or sympathies?
A. When this same letter came in from Mr. Pratt.
Q. Now, in considering re-employment of operators. have you ever taken into consideration the fact that Glynn Brooks belongs to the union or has union sympathies in determining whether she should be re-employed?
A. No; I haven't thought anything about it because I had quite of a lot of trouble with her.
Q. Did Ellen Fry work in your section last June?
A. Yes, she did.
Q. What type of work did she do?
A. Joining only.
[fol. 5187] Q. What was the quality of her work?
A. Poor.
Q. What was the quantity?
A. Well, it was—I would say poor.
Q. Did she have much repair work?
A Yes, she did.
Q. Did you ever state at any time that you going to frame Ellen Fry?
A. No, I did not.
Q. To get her out of your section?
A. No, sir; never thought of it.

p. 823 Q. Did you change her work seven times a day?
A. I couldn't; not on these simple dresses that I had. There weren't that many operations to a dress.
Q. So when she makes that statement, that is not true?
A. It isn't true.
Q. You mean that there are not that many operations on the dresses that were being made in your section?
A. I meant straight sewing operations. There is only one thing and that is joining, and that is about all she could do.
Q. Did you ever show her two types of operations and take 45 minutes showing her?
A. No, I didn't.
Q. Now, prior to the time Ellen Fry was laid off, do you know whether or not she was making the code?
A. No, she wasn't.
Q. Did Cordie Huntley tell you of a meeting at Glynn Brooks's house where Ellen Fry and some of the other complainants were present?
A No, she didn't.
Q. Did you ever hear of any meeting at Glynn Brooks' house until after the complaints were filed in this case?
A. No, I didn't. I didn't hear a thing about it.
Q. Now, in considering, selecting or recommending that Ellen Fry be laid off from your section, did you take into consideration the fact that she had union affiliations or sympathies?
p. 824 A. No, I didn't.
[fol. 5188] Q. Did she ever tell you that she belonged to the union?
A. She never did.
Q. Did any of these complainants ever tell you that they belonged to the union?
A. They never talked to me once about the union and I never talked to them.
Q. When was the first you knew that Ellen Fry was a member of the union?

A. When Mrs. Reeves called me to her office after she received Mr. Pratt's letter.

Q. Now, did you take into consideration, in determining who should be re-employed, the fact that Ellen Fry belonged to the union and, therefore, she should not be re-employed?

A. No.

Q. Did Tillie Shirley work in your section?

A. She did.

Q. What type of operator was she?

A. One type, straight sewing.

Q. What was the quality of her work?

A. Well, it was poor.

Q. How about her quantity?

A. Well, it was fair.

Q. Did you ever pick her out as one of the best operators?

A. No, I didn't.

p. 825 Q. Did you ever tell her that her work was satisfactory?

A. Not that I know of.

Q. Was she able to make the code?

A. No, she wasn't.

Q. Did you know at the time you recommended her lay-off that she had any union affiliations or sympathies?

A. No, I did not.

Q. You didn't consider, in determining her lay-off, that she had any union affiliations or sympathies?

A. No, I did not. It was the grade of work she was putting out.

[fol. 5189] Q. When was the first time you knew that she had any union affiliations?

A. When I was called to the office the same time about the other girls.

Q. In determining the re-employment of operators, did you take into consideration that Tillie Shirley was a member of the union or had union affiliations in passing upon whether she should be re-employed or not?

A. No, I haven't.

p. 829 Q. (By Mr. Rucker) Now, don't you know, as a matter of fact, that there was a great deal of discussion about unionism in the Donnelly factory from the spring of 1934 on up until this day and this hour?

A. No; there wasn't.

Q. (By Mr. Rucker) You never heard of the union?

A. We were told not to discriminate between the union or non-union people.

p. 830 Q. I never asked you what you were told. I asked you if you heard about the efforts to unionize the Donnelly Garment Company.

A. No, I didn't.

p. 866 Q. (By Mr. Rucker) Do you know Pauline Lutz?

A. I do.

Q. Did you ever talk to her down there?

A. No.

Q. You never had any conversation at any time with her in your whole life? I mean, during the time you have been down there at the Donnelly factory you have never talked to her at any time?

A. We have passed the time of day, and spoke like that, but that is all.

Q. Didn't you tell her on one occasion that you could get anyone you wanted fired?

A. I did not.

Q. You never told her any such thing?

A. I did not.

Q. At any time?

A. At any time.

Q. That was a fact, wasn't it? You could get anybody fired that you wanted to?

A. No, I couldn't.

[fol. 5190] Q. By making an adverse report couldn't you get them fired?

A. No.

p. 867 Q. Didn't they depend on your report?

A. Yes, they did, but they looked into it further. They inquired into it and made sure my report was right.

Q. What inquiry did they make?

A. I don't know.
Q. Why do you say they made an inquiry?

Mr. Blume: What occasion are you talking about; any occasion in particular.

Q. (By Mr. Rucker) Why do you say you don't know when you say they inquired into it?

The Witness: Would you please read the question back?

Q. (By Mr. Rucker) When your attorney interrupted, why did you say they made an inquiry if you don't know what kind of an inquiry they made?
A. Mrs. Reeves always looks into anything further to make sure that the statement I made is correct.
Q. What sort of an inquiry would she make, now?
A. She would talk to the girl herself.
Q. Talk to the operator herself?
A. Yes.
Q. Do you know whether she called Ellen Fry and talked to her about your report of disobedience and unreliability, and that she wasn't cooperative?
A. I think that Mrs. Reeves knew that.

Objection, motion to strike—not responsive.

p. 874 Q. (By Mr. Rucker) You say you never made any statement to anybody about Ellen Fry being in your section?
A. What do you mean?
Q. I mean what I asked you. Did you ever make any statements to anybody about getting rid of Ellen Fry?
A. That is a different question.
Q. Did you?
A. I didn't.

Q. Did you ever say to Frances Riedel that you were not going to have Ellen Fry in your section because she belonged to the union?

A I didn't.

[fol. 5191] Q. Of course, you knew that Ellen Fry belonged to the union, didn't you?

A. I didn't.

Q. Did you see her down at the union meeting that you attended?

p. 875 A. Yes, I saw her down there.

Q. And you reported the names of all the girls that you saw down there?

A. I didn't.

Q. You had a conference among the executives down there about the girls who attended that meeting, didn't you?

A. No, sir.

Q. Didn't you attend that conference?

A. We didn't have any conference.

Q. If you don't call it a conference, did you have a talk about it?

A. No, we didn't.

p. 886 Q. You couldn't even say about that. Now, I notice on this card, which I presented here, marked Exhibit 32, Glynn Brooks was rated by N. Patten, an instructor—by the way, is she still there?

A. Yes.

Q. (Continuing)—as being fair as to the quality of her work, poor as to the quantity, and unreliable, but not disobedient, and marked as

p. 887 cooperative. At least, there are no marks one way or another. It is checked as unreliable, checked as poor as to the quantity of her work, and fair as to the quality of her work. She was let out of the employ because of illness. The instructor at that time checked that she would not recommend her for employment. As a matter of fact, she was reemployed?

A. I guess she was.

p. 898 Q. (By Mr. Ingraham) Mrs. White, I believe you have testified that your section did the simplest kind of work in the factory?

A. Yes, the section I have do the cheap numbers, which are just very plain dresses.

Q. And the operators that were sent to your section were the poorer operators?

A. They were.

p. 899 Q. And Glynn Brooks was sent to your section sometime in December, 1933?

A. That is what the card shows. I just couldn't say exactly what month it was.

Q. And she was irritable while she worked for you?

A. She was.

[fol. 5192] Q. And that was attributed to the fact that she had been previously ill?

A. I would take for granted that it was.

Q. And you did, while she was in your section, try to help her?

A. As much as I could, yes.

Q. (By Mr. Ingraham) What type of operator was Tillie Shirley?

A. One type; straight sewer.

Q. Did you ever tell her that she was one of the best operators?

A. No, I didn't.

Q. Was she one of the best operators in your section?

A. No, she wasn't.

Q. Did you ever tell her that her work was satisfactory?

p. 990 A. No, I didn't.

Q. What was the quality of her work?

A. It was poor.

Q. What was the quantity?

A. Fair.

Q Do you know whether or not she was able to make the code?

A. No, she wasn't.

Q. Did you at any time ever consider the fact that she had Union affiliations or Union sympathies in considering whether you would recommend her lay-off?

A I didn't

Q. You did not?

A. I did not.

Q. Have you ever considered her Union affiliations or Union sympathies in determining whether or not she should be reemployed?

A. No, I haven't.

Q. Those considerations were not given at all to the request of her lay-off or reemployment?

A. No; not at all. It was on her work.

Q. You did recommend that she be laid off?

[fol. 5193] A. I did with the experience I had [had] of her work.

p. 936 Q. (By Senator Reed) A witness by the name of Frances Riedel has testified here that you told her you didn't like Ellen Fry, and that you were not going to have her in your section;

p. 937 that you were going to get rid of her. Did you have any such conversation as that?

A. No, I didn't.

Q. (By Senator Reed) Now, you were asked if, in connection with that conversation or alleged conversation to which I have just called your attention, you mentioned the union in that conversation, in connection with Ellen Fry, and if you said in that conversation that Ellen Fry belonged to the union?

A. I didn't because I didn't know that Ellen Fry belonged.

Q. Did you have in this alleged conversation—Did you say in substance and effect, or in words, that Ellen Fry had caused lots of trouble; that she belonged to the union and you were not going to have her in your section?

A. I did not.

Q. Did you say anything like that?

A. I did not.
Q. You say you didn't now that Ellen Fry belonged to the union?
A. I didn't know she belonged.
Q. You understand that Pauline Lutz testified that you made the following statement regarding Tillie Shirley; that you were asked the question what you thought of Tillie Shirley being there, and that you answered it:
p. 938 "Yes; I think she joined that union. I gave her joining all the time so she could make 18 or 19 dollars a week and this is the way she did us."
A. I truthfully say that I didn't make that statement.
Q. Did you make anything like it?
A. I didn't.
Q. As a matter of fact, you have said twice, I believe, that you didn't know this girl belonged to the union?
A. No, I didn't.

[fol. 5194] Proceedings—Before N. R. A. Board

MRS. LENA ALLISON, called as a witness, being duly sworn, testified as follows:

Direct Examination.

p. 797 Q. (By Mr. Ingraham) State your name, please.
A. Lena Allison.
Q. Where are you employed, Mrs. Allison?
A. At the Donnelly Garment Company.
Q. How long have you been employed at the Donnelly Garment Company?
A. Fifteen years.
Q. Did you go to work there as an operator?
A. Yes, sir.
Q. How long did you work as an operator?
A. Well, about 18 months, I think.
Q. Then you became an instructor?

A. Yes, sir.
Q. And you have been an instructor since that time? A. Yes, sir.
Q. At present where is your section?
A. Section 551 at Nineteenth and Walnut.
Q. (By Dir. Pratt) Is that the floor number?
A. No, it is the third floor. That's the section number.
Q. (By Mr. Ingraham) Mrs. Allison, did Pauline Lutz work in your section?
A. Yes, sir.
p. 798 Q. What kind of work could she do?
A. Straight sewing.
Q. She was limited to that one operation?
A. Yes.
Q. Could she make her code?
[fol. 5195] A. No, sir; she didn't.
Q. Well, during the time she was in your section did she do any work on little hemming?
A. No, sir; I don't believe she did. If I remember right, I don't think I had any hemming at all.
Q. You didn't have any little hemming in your section? A. No, sir.
Q. When did she come to work in your section?
A. Well, I don't know whether it was in the last of December or the first of January. It was something like that.
Q. Have you had any little hemming in your section since that time?
A. No, sir.
Q. Did you recommend that Pauline Lutz be laid off?
A. No, sir; I didn't recommend it.
Q. Well, how did it happen that she was laid off?
A. Well, they sent some slips over, where they said that if the girls didn't make their quota they would be laid off at a certain time. I think they gave them 3 weeks to make their quota.
Q. And did she make her quota during that time?

p. 799 A. No, sir.

Q. What kind of an operator is Pauline Lutz in respect to whether she is a good operator or a mediocre operator or a poor operator?

A. Well, she is a fair operator.

Q. What is the quality of her work?

A. Well, most all the time she did fair work.

Q. Was she able to do a fair amount in respect to the quantity?

A. Well, no; not all the time she didn't. She was rather slow on doing the work that I gave her to do.

Q. Now, are you talking about her work on operations other than little hemming?

[fol. 5196] A. Yes, that's what I am talking about.

Q. She didn't do any little hemming in your section?

A. No, she didn't do any little hemming for me.

Q. And when was she laid off?

A. Well, I can't tell you just exactly.

Mr. Rucker. Sometime in January, I think, About the 6th.

Mr. Blume. Eighteenth.

Mr. Rucker. Yes, 18th of January.

Q. (By Mr. Ingraham) And at that time she wasn't able to make her code?

A. No, sir.

Q. And hadn't been able to make her code since she had been sent to your section?

p. 800 A. I think that's just about right because I couldn't remember just how many weeks she didn't make her code, because when I went and told her she said, well, she didn't know whether she could make it or not.

Q. Mrs. Allison, have you received any instructions from any superior in regard to the attitude of the instructors in connection with the girls joining the union or not joining the union?

A. Well, Mrs. Reeves always told us to be neutral towards anything like that.

Q. Were you instructed to refrain from a discussion of the matter?

A. Yes.

Q. Did you give Pauline Lutz more difficult work to perform than other operators in your section?

A. No, sir; I did not. I felt sorry for Pauline, and I tried to do the very best I could for her; and when they told me that she couldn't make her code and sent that little note, I tried to give her the very best that I had for her so she might make her code.

Q. Then you didn't discriminate against Pauline Lutz in any respect?

A. No, sir; I did not.

Q. Did you know at the time that Pauline Lutz belonged to the union?

A. No, sir; I did not.

p. 801 Q. Have you at any time in your section discriminated against anybody on account of union activities or affiliations?

[fol. 5197] A. No, sir.

Q. You have never at any time instructed any operators that they could not join the union?

A. No, sir; I haven't.

Q. Did you ever say that if they did join they would be fired?

A. No, sir; I never done anything of the kind.

Q. Now, during the time that Pauline Lutz worked for you or in your section, did you have any trouble with her work on account of the fact that she was color blind?

A. No, not over there, I didn't.

Q. Well, has she ever worked for you in any other section?

A. Well, she worked for me when we worked upstairs once before, but not very much.

Q. And did you know that she was color blind?

A. Not that time, I didn't; but I did this time, the last time she worked for me.

Q. And how did you discover that?

A. Well, she told me herself that she put some wrong-colored thread on some hemming, some little hemming. For another section, though; not for me.

Q. Not in your section?
A. No.
Q. But she did say to you that she had done
p. 802 that? A. Yes.

Redirect Examination.

p. 805 Q. (By Mr. Reed) You said you had to watch her all the time, and you were not permitted to tell, because you were interrupted, why you had to watch her.
A. Why you had to watch her, because, you know, she would do things that wasn't right. You had to watch her work. And she would say, "Well, Mrs. Allison, if I had such and such work, I could make it." And I would give her that work, and she couldn't make it. She said she could make it on joining, and I gave her joining, and she couldn't make it. Then, I had some work with little bits of pieces in here, and she said she could make it on that; and I gave that to her, and she couldn't make the code.
Q. You tried every way you could to help her?
[fol. 5198] A. Yes, I did.
p. 806 Q. (By Mr. Ingraham) Mrs. Allison, does Lillian Wales work in your section?
A. Yes, sir.
Q. Did you ever ask Lillian Wales this question: "Why did you join the union?"
A. No, sir.
Q. Did you ever discuss the union with Lillian Wales? A. No, sir; I didn't.
Q. Did you ever state to her: "Well, I would have liked to talk to you. I believe if I could have talked to you, you wouldn't have joined the union."
A. No, sir; I did not.
Q. You never did?
A. No, sir.
Q. Have you ever discussed the union with Virginia Stroup? A. No, sir.
Q. Never have? A. No, sir.
Mr. Ingraham: That's all.

p. 810 Q. (By Mr. Birkhead) You said that you got this notice that those who didn't make the code within 3 weeks—I think you said 3 weeks' trial you gave them—that they would be liable to be discharged.

A. Yes.

p. 811 Q. And you also said, I think, that you didn't discharge everyone who failed to make the code. And what I want to know is, how did you arrive at a method of knowing which ones who hadn't made the code to discharge, and which ones who hadn't made the code to keep on?

A. Well, Mr. Atchison sent me the notices. He went over the cards. And I have one girl yet, that she got a notice but she is making good now.

Q. (By Mr. Reed) The Doctor wants to know how you arrived at that; if you kept one girl and let the other go, what would be the reason?

[fol. 5199] A. Well, she got in and worked and made her code. I have got one girl here, and this last week, yesterday or Thursday, she drew $22, better than $22.

Q. Do you sometimes keep people who are improving. A. Why, surely.

Q. And haven't quite made up yet, but have confidence they will? A. Yes, sir.

Q. You take that into consideration?

A. Yes.

Q. Didn't you give Pauline Lutz an additional week? A. Yes, sir.

Q. You received notice about other girls than Pauline Lutz? A. Yes, sir.

p. 812 Q. And if you operate and they can't make the code, it means that they are not earning the amount they are paid? A. Yes, sir.

Q. And the company has to make it up, stand the loss? A. Yes, sir.

[fol. 5200] Cross-Examination of Lillian Wales.

By Mr. Hogsett:

Q. Miss Wales, your complaints you have testified to on Direct Examination, you relate to

incidents that occurred about three years prior to March 9, 1937, is that right?

A. I don't understand what you mean.

Q. Well, this case we are trying began, as we contend, with a letter dated March 9, 1937. Everything you said in the way of complaints, such as they are, occurred about three years before that, back in 1934? A. 1935.

Q. Well, all right. You left in what period of 1935? A. In the month of June, 1935.

Q. All right. This occurred then between two and three years prior to March, 1937. That would be right, wouldn't it? A. Yes, sir.

Q. You joined the union on what date?

A. Jauuary 8, 1935.

Q. You continued to work at the Donnelly Company until June, 1935? A. Yes, sir.

Q. I believe you said. And at that time, there was a general lay-off, wasn't there?

A. I was sent to the 2609 Walnut building. I don't remember the date when that was laid off, that building was laid off. They told us to go over to the other building, and we did. We talked to Miss Hyde. She would have to lay us off. We asked her when she thought she would have work for us. She said she didn't know, maybe next season. We called her up. She said, no, she didn't have anything just then, that she would call us when they did.

Q. Did you get the question that I asked you?

A. I think so.

Q. What is the answer to it?

A. That building was laid off, yes.

Q. You were laid off at the same time as how many other employees, both union and non-union?

A. Well, I couldn't say, because I don't know how many girls there was in that section. It consisted of one section. I can't remember if it was just a few or not.

Q. A normal section is 40 people plus the instructors, is that right?

[fol. 5201] A. That is right.

Q. At that time, did they discontinue the use of that building? A. Yes.

Q. When did they begin the use of that temporary space at 2609, Miss Wales?

A. I don't remember. I was sent over there in January.

Q. You do not know how far ahead of that it was? A. I couldn't say.

Q. A matter of months, you think? I wouldn't try to pin you down exactly.

A. Possibly a month before that.

Q. Had you worked there before that? A. Yes.

Q. When? I mean at the 2609 location.

A. When I first went to work at Donnelly's.

Q. You were hired to work at that place? You began there, isn't that true? A. Yes.

Q. That was before you were a union girl?

A. Yes.

Q. In fact about a year before, wasn't it?

A. No, it was longer than that.

Q. Then you, as a non-union girl, just began work in that building, didn't you?

A. That is right.

Q. How long did you work at that building before you were transferred to the Main building at 18 something Walnut?

A. I couldn't say for sure. It was a few months.

Q. Yes, Ma'am. But you worked there a few months at the last time when you were assigned there in January or thereabouts, and quit in June, is that right?

A. I didn't quit in June. I was fired in June.

[fol. 5202] Q. I will say what you first said "laid off." You were laid off, weren't you? A. Yes.

Q. That is your own term, Miss Wales. I am not coining it. You worked at that building about as long as a non-union girl as you did as a union girl. Frankly, isn't that the truth. A. I don't understand.

Q. You say you began with the Donnelly Company working in the auxiliary space in 2609,

worked there for several months, and at that time you were a non-union girl? A. Yes.

Q. Then after you joined the union, you again worked in that building for several months?

A. Yes.

Q. Then after you joined the union, you again worked in that building for several months?

A. Yes, but it was on a different floor.

Q. Oh my, my! On a different floor!

A. It was not the regular space that the Donnelly Garment Company had.

Q. You really were put on a different floor. What floor did you work on when you were a non-union girl?

A. If I remember correctly, it was the 6th or 7th floor. The last time it was the 3rd floor.

Q. You were actually put on the third floor, the same space on the third floor. A. No, sir.

Q. Bigger or smaller? A. Smaller.

Q. Was the whole section for this purpose on the third floor? A. Yes.

Q. And of that section, there were perhaps three-fourths or more of them, non-union girls, weren't there? A. I couldn't say.

Q. You did say so at the testimony you gave at the NRA Labor Board, didn't you? You remember that? A. Yes, I think so.

[fol. 5203] Q. You did so testify, didn't you?

A. I don't know how many of the girls that were over there were non-union, because I don't know how many girls in the whole section. I can't remember whether the section was filled or not.

Q. How many union girls were there there?

A. I couldn't rightfully say that either.

Q. All you could name were five when you were asked about that at the NRA hearing, isn't that true, Miss Wales?

A. Yes, I think so.

Q. Well, is that still true?

A. Yes, I believe I could name those girls again.

Q. I think you misunderstood my question, inadvertently. Is it still true that five girls were all that were over there that were union girls?
A. Five girls was all I knew personally.
Q. You knew your own union girls, didn't you?
A. Yes, but those five girls were all our crowd.
Q. You mean you knew your own union girls, but didn't know more than five union girls who worked at that building. You have got me confused. You knew your own union girls by name, surely, didn't you?
A. Some of them, yes. Some of them I knew better than others.
Q. But you knew them all by name, didn't you?
A. Yes.
Q. And five were all that you could name as being union girls employed at 2609 Walnut at the NRA hearing. Isn't that true?
A. That was all there was at that time, yes.
Q. And a section, if it was filled, was 40 girls?
A. That is correct.
Q. Now you joined the union in January, 1935. Are you still a member? A. I am.
Q. Were you a member at the time of the drive to unionize the Gernes, Gordon, and Missouri Garment Companies in March and April, 1937? A. Yes, sir.

[fol. 5204] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. Were you out there at the time the Gernes, Gordon, and Missouri plants during that drive?
A. Yes, sir.
Q. What were you doing there, Miss Wales?
A. Just like everybody else, I guess.
Q. Just exactly what would that mean, "just like everybody else"? Just what was everybody else doing?
A. Watching.

Q. Oh, just watching. Is that all you did?
A. Yes, sir.
Q. Just watched?
A. That is correct.
Q. How long were you out there watching?
A. You mean every day?
Q. Yes.
A. Presumingly an hour.
Q. Who sent you out there?
A. We went of our own accord.
Q. How many days were you out there?
A. Well, I couldn't rightfully say.
Q. Where were you working then?
A. Eppy Coat Company.
Q. What time in the day did you go there?
A. Oh, about 7:30.
Q. In the morning?
A. Yes.
Q. Did you see the employees trying to get into work? Is that the reason you chose that hour?
A. No, I wanted to see what was going on.

[fol. 5205] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. You had a natural curiosity about it, I assume?
A. Yes, sir.
Q. What time were you supposed to go to work at the Eppy Coat Company?
A. 8:30.
Q. And you would go to the Gernes, Gordon and Missouri entrance about an hour before that?
A. Yes, sir.
Q. Who did you go with?
A. Oh, sometimes by myself.
Q. And sometime with someone else?
A. No one in particular. I would see girls out there I knew, other people I knew.
Q. Union girls?

A. Yes, sir.
Q. What were these other girls doing? Were they just watching too?
A. Yes, sir.
Q. Did you see any union girls there at the Gernes, Gordon and Missouri entrance who were doing anything else except just watch?
A. Not while I was there, no.
Q. You never, at any of the days you were there at 7:30 in the morning for an hour saw any union girls doing anything else except just watching?
A. That is correct.
Q. Did you see the police there?
A. Certainly.
Q. Certainly? Why do you use that [work]?
A. They were there. There was quite a few of them. You couldn't miss them.
Q. 25 or 30, sometimes 50?
A. I wouldn't say that. I really don't know.
Q. Was there any disorder there, violence, girls having their hair pulled out, slugged, pocketbooks thrown out in the street, clothes torn off: Did you see any of that?

[fol. 5206] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

A. Not while I was there.
Q. How many days were you there at 7:30 in the morning when the Gernes employees were trying to get in?
A. Several days.
Q. How many is several?
A. Well, I couldn't say for sure.
Q. Were you there as much as 20 days or 30, or two months?
A. Oh, no.
Q. All right. You estimate it, if you will, please.
A. Well, I would say a couple of weeks.
Q. A couple of weeks. Your curiosity was such that one morning, or two or three

didn't satisfy you, and you continued to go every morning for two weeks and spent an hour there, is that right?

A. Approximately that long, yes.

Q. All right. I am not trying to pin you to the exact hours or number of days. Was there any violence there at all during that two weeks that you spent an hour there each morning?

A. I didn't spend an hour each morning, sometimes less. There was no violence that I saw.

Q. In what part of this drive was this? Would you consider it the early part of the drive or toward the end?

A. Well, some of it was at first, some of it sort of—I never went every day, if that is what you mean.

Q. Who was in charge of the other union girls just watching?

A. We had no one in charge of us.

Q. And was Miss Wave Tobin there?

A. I think I saw her once.

Q. You think so. Is that all? Aren't you sure?

A. No, because there were so many there, I wasn't looking for anyone in particular.

Q. You knew Miss Tobin because she is of your union?

A. That is right.

[fol. 5207] Q. Did you say you saw her there at all?

A. I said I think I saw here there once.

Objection—immaterial.

Q. Once. Yes. What was the object, if you knew, of these police being out there, and what were the police doing?

A. I don't know.

Objection—immaterial

Q. Madam?

A. I don't know what their object was.

Objection—immaterial

Q. If you don't know what their object was, what were they doing? What did you see them doing? You say you were watching.
A. Some of them were sitting in the car, some of them were walking, some of them were on their motorcycles.

Objection—immaterial

Q. Is that all you saw the police doing?
A. That is right.

Objection—immaterial

Q. Did you see any of the police line up in two lines from the curb of Grand Avenue across the sidewalk to the entrance into the building, so that when employees would come up, in cars or taxicabs and unload at the curb, these officers would be there as a guard to enable them to get into this plant to go to work? Did you see anything like that?
A. Not while I was there, no.

Objection—Immaterial

Q. Not while you were there. Are you aware that has been shown in moving pictures and photographs? Do you know that?
A. Yes, but that does not mean that I was it.

Objection—immaterial

Q. But you were there an hour for each of say twelve mornings, according to your own estimate?
A. Approximately, yes.

Objection—immaterial

Q. And you didn't see anything like that at all?
A. Not while I was there, no.

Objection—immaterial

Q. Now, Miss Wales, exactly what is your complaint about being transferred or assigned rather, to work at the 2609 Walnut Building? Just tell me again in your own way. I want you to tell everything you have in your mind about your complaint about working at this building? Have you done so?

A. I think so.

Q. You said you had always worked at the main plant. That is not so, because you began and worked several months at this 2609 temporary location at the very beginning of your employment. Had you forgotten that?

A. Of course, I meant by that when I was transferred over there to the 18th street building.

[fol. 5208] I was there all during lay-offs. I was never laid off during lay-offs. The only time I was off was during my two weeks' vacation. After I went into the 18th Street Walnut Building, I was kept there continuously up until January 31, 1935.

Q. You thought that was more of a complaint—to select you to work there, putting it plainly, that is what you thought, is that right?

A. Well, it looked to me like to be taken out of that building that was supposed to be on the best floor and the better garments, and be transferred to another building where the material and all the dresses were a cheaper line of dresses, was like having a good job and being demoted.

Q. When you were first hired to work in that 2609 Building, you say you worked there several months, and then you went back to the main factory? You said that, didn't you?

A. Yes.

Q. At the time you were transferred back to the main factory, the company closed that 2609 space, didn't they?

A. I was transferred before that.

Q. About the same time, were you not? They really closed it at the time or about the time you were transferred to the Main Building. That is true, isn't it?

A. Yes.

Q. When you were reassigned to that building, whatever time it was, it then—the company reopened that space at 2609 Walnut. That is the fact, isn't it?

A. Yes.

Q. Well now, the company under the circumstances was required to have additional space, and they put different people in there, but you think they ought not to have put you back there. That is your complaint.

A. Yes.

Q. All right. Who do you think the company should have select in your place to work there, somebody had to go—

Q. This 2609 Walnut was in fact one of the new factory buildings in Kansas City at that time?

A. I don't know.

Q. But it wasn't as fine as the main Donnelly factory?

A. No sir.

[fol. 5209] FRANCES RIEDEL

Cross-Examination.

By Mr. Hogsett:

Q. Miss Riedel, lets get again the last time that you work for the Donnelly Garment Company?

A. I started to work for them in the year 1931.

Q. I mean the last day or time that you were there? A. I was there in 1935.

Q. Now, all this thing that you have been telling about them occurred at least three and one-half years before the time of the beginning of this trouble between the Internation-

al and the Donnelly Garment Company, didn't it?

A. It occurred between 1931 and 1935.
Q. What date in 1935 was it?
A. It was, I believe in June.
Q. What have you been doing since June, 1935?
A. I worked for Lindall Coat Shop.

Objection—immaterial.

Q. At what wages?
A. We worked piece work there.

Objection—immaterial.

Q. What did you draw?
A. Well, my salary varied.

Objection—immaterial.

Q. What was the average?
A. I believe I drew on the average of $17.00 or $18.00 a week.

Objection—immaterial.

Q. And how long were you there?
A. I was there possibly seven or eight months.

Objection—immaterial.

Q. And then where did you work?
A. I worked at Lindall Coat Shop.

Objection—immaterial.

Q. And at what wages, on the average?
A. Well, I don't think I drew less than $18.00 at Lindall's.

Objection—immaterial.

Q. How long did you work there?
A. About eight months.

Objection—immaterial.

Q. And then where did you work.
A. Then I worked at Lyons.

Objection—immaterial

[fol. 5210] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. And at what wages, on the average?
A. Well, it varied, too; I averaged $14.00, $15.00, $16.00.
Q. How long did you work there?
A. I couldn't say exactly how long I worked there; I imagine it was about six months.
Q. And then where did you work.
A. I haven't worked since then.
Q. When was the last time you worked there?
A. I worked at Lindall's first and then Bracken's and then Lyons' and it has been two years since I quit at Lyon's, or more.
Q. Then within a period of a year and a half or such a matter—maybe I haven't got the time right, you worked at about four different places, after you left Donnelly's?
A. Three different places.
Q. In Kansas City? A. Yes.
Q. You don't keep a job very long, do you?
A. I wasn't laid off at Lindall's; I was told by Mr. Rice whenever he had a job—that is season work—that I could come back, but I got a job in the meantime at Bracken's, and I didn't care to quit at Bracken's, because I was working for him.
Q. The fact remains you have had three jobs in a year and a half since you left Donnelly's. A. Yes, sir.
Q. And you also, while at Donnelly's were taking this beauty course with a view of leaving Donnelly's and becoming a beauty operator, did you say?
A. I never made a statement that I would leave Donnelly's.
Q. What did you say about taking a beauty course?

A. I was taking a beauty course, yes.
Q. While at Donnelly's? A. At nights.
Q. I say while you were working at Donnelly's?
A. Yes.

[fol. 5211] Q. What for, if you didn't intend to work at it?
A. Well, because I thought maybe in later years I might be able to start up a shop of my own, but I never could have even figured on starting one for quite some time.

Objection—immaterial

Q. In this group that was laid off when you were laid off, how many were in that group?
A. I can't say altogether; I think about twelve or fifteen.
Q. And this whole group was laid off at one time? A. Yes.
Q. It was a whole section, as a matter of fact, was it now? A. Yes.
Q. It wasn't a picking out of you or just one or two girls; it was a laying off of the whole section?
A. Yes, but they replaced a lot of girls over at the other building when they closed down this building, too.
Q. Would you just as soon answer the question. It was a lay off of a whole section, is that right? A. Yes, sir.
Q. And that section included how many people?
A. I couldn't say.
Q. Roughly? A section is at least forty, isn't it? A. Yes.
Q. Well, then, it was at least forty people that were laid off at the same time? A. Yes.
Q. And most of those were non-union employees?
A. Yes, but that is what I am trying to tell you.
Q. You see, you are arguing with me again and all I asked you was the simple question, whether most of them were non-union employees. A. I am sorry.

Q. How many non-union employees were there in that group?

A. I couldn't say that either, because I don't remember.

[fol. 5212] Q. How many union employees were in that forty group?

A. I just got through saying I think there were twelve; I couldn't say for sure, twelve or fifteen.

Q. You said something to Mr. Walsh and I did not get clear what you meant, something about a threat to your instructor and I believe you said you did not mean it for her or did not mean it as a threat; I forget.

A. I didn't mean it as a threat, no, sir.

Objection—immaterial

Q. In any case let us clear up what it was. What was this so-called or threat to Mrs. Allison?

A. I couldn't tell you. I am afraid you would have to ask Mrs. Reeves that because I didn't mean it as a threat.

Objection—immaterial

Q. Do you know what it was they were talking about and construed as a threat?

A. No, I couldn't, only the day before Mrs. Allison came to me and told me that us little girls had been talking too much and she said "Now, Frances, I want you to quit doing so much talking" and I said "I don't think I am the only one that is doing so much talking." Now, if that could have been a threat, I don't know.

Objection—immaterial

Q. I would hardly think that would be construed by anyone as a threat. Do you know what it is you said that they thought was a threat?

A. No, I couldn't say because I don't think—

Objection—immaterial

Q. Is that all this talk about the threat amounts to,—this conversation that you just spoke of?
A. I imagine so: I didn't even know what she meant by it.

Objection—immaterial

Q. That so-called threat, if that is a threat, occurred in January, 1935, you said?
A. Yes.

Objection—immaterial

Q. And you were not laid off until June?
A. Yes.
Q. Do you attribute any connection between those two incidents? You seemed to, in your direct testimony?
A. I never said I was laid off because I threatened Miss Donnelly.
Q. I gathered that impression, perhaps without warrant, but I at least did. Now, you had worked at this other building at 26th and Walnut before you joined the union, hadn't you?
A. I was hired at that building.
Q. And how long had you worked at that building before you joined the union?
A. I was hired in that building in 1931.
[fol. 5213] Q. And worked there how many years?
A. I worked there about four months, six months maybe.
Q. Altogether how long did you work there at the 26th and Walnut auxiliary plant before you joined the union?
A. About six months.
Q. And did the company then discontinue that place or keep it?
A. I really don't know because I was transferred to the other building. The girls were still working there, when I left.
Q. Do you know how long the company did have the auxiliary plant at 26th and Walnut?
A. No, I couldn't say.

Q. Do you know how many employes were transferred there by the company?
A. When do you mean, transferred?
Q. One section, two sections, three sections, how many worked,
A. You mean when I was transferred back.
Q. No. While you worked at 26th and Walnut how many other employes worked there?
A. I believe there were two sections there at the time I first was employed there.
Q. That would mean at least eight, wouldn't it?
A. I imagine so.
Q. With the added help of the bundle boys and whatever else goes with it?
A. I imagine so; they didn't have any bundle boys there.
Q. Well, whatever they had.
A. Just the operators and instructors.
Q. Now, that was due to an over-flow of work,—not of work but a need for additional space which they could not get in their mail building is the reason they had that building; you understood, didn't you?
A. I just knew they had it I was hired the; I didn't know anything about it.
Q. I mean you were given to understand that that was just an auxiliary space used in addition—
A. They never did any explanation at all to me about that building.
[fol. 5214] Q. Whether they did or the employes did, didn't you understand that to be the fact?
A. No.
Q. Now did you claim that only union girls were sent to this building?
A. Oh, no; there were some other girls transferred.
Q. Well, I thought so. Now, how many union girls worked there while you were there out of this eighty odd?
A. How many girls worked there?
Q. How many union girls worked there?
A. They were all transferred over there.

Q. Yes. How many were there?
A. I just told you a while ago I thought there were twelve or fifteen; I couldn't say positive.
Q. And who were they?
A. Well, I couldn't name them all.
Q. Name those that you can name?
A. Lillian, Wales, Flossie and myself.
Q. Flossie who?
A. Flossie Walton, and Virginia Stroup and May Innie and I can't remember the rest of them.
Q. Those are all the union girls you can remember. How many non-union girls were put to work there?
A. I couldn't tell you because I don't know how many was in the section.
Q. Didn't you agree a moment ago that there were at least forty in a section.
A. Well, all the rest that wasn't union was non-union girls.
Q. Exactly. Now, assuming the maximum, that there were fifteen union girls, and eighty in all, would leave sixty-five non-union girls?
A. Sure. I don't imagine they would open up a section and put twelve union girls over there by themselves.
Q. I didn't think so, but I wanted to get the matter clear of any implication to the contrary. Now, do you claim that you were given any class of work different, since you joined the union—different from what you had before?
A. Yes, I was.
[fol. 5215] Q. In what respect was the class of work different?
A. Well, before I was transferred over to that building I did mostly joining; I did joining all the time and after I was sent over there I was put to setting pockets on.
Q. Do you think that is a harder job?
A. It was because the work wasn't good.
Q. Anything else now that you complain of in the way of a change in the type of work?

A. I don't remember just what other operations there are; I do remember one operation we were given, for the pockets.

Q. Is that all you can remember on that subject?

A. I do remember that they gave us these pockets to put on, and they gave these pockets to Lillian Wales and I, and we had been joining over at the other building, both of us.

Q. What is the significance of that? What does that mean?

A. Well, if you do one job of work and they take you off of it and put you on another, you haven't got the speed to do new work that you had on joining.

Q. When you testified before the N. R. A. Board on this identical subject, this exact question that I have just asked you, did you give these answers to these questions,—I will read them: "Q. Now, have you done any class of work different since you joined the union that you did before you joined the union? A. No sir. Q. Then to get back to my original question—"

Q. Did you give that answer?

A. I must have did it if it is there.

A. I remember testifying before the N. R. A. that they did change my work, too.

Mr. Hogsett: Do you agree, gentlemen, that that is what she said? It is the second question on that page. Is that admitted, gentlemen?

Mr. Walsh: Yes.

Q. Now, did you give this additional testimony on identically the same subject. "Then to get back to my original question your work has not been made harder since joining the union than it had been before? A. No, sir." Did you testify that way?

A. If it is there I must have.

Further Cross-Examination.

By Mr. Tyler:

Q. You were able to do the work in this beauty school that you attended at night, were you?

A. Yes.

Objection—immaterial.

[fol. 5216] Q. You were not too tired out at the end of the day's work to do the additional study work?

A. No, because we went there and just studied; we studied all week and then on Saturday we did our practical work.

Objection—immaterial.

Q. When was the last time you have been in the Donnelly garment factory.

A. When I got my check the following week I was laid off.

Q. You haven't been there since June, 1935?

A. No, sir. I called Ella Mae and she said there was no need to come in. There wasn't any work.

Q. What nature of work did you do at Lindall's?

A. Making coats.

Objection—immaterial.

Q. And what nature of work did you do at Lyons'?

A. Lingerie.

Objection—immaterial.

Q. And how much did you get paid at Lyons'?

A. From $14.00 to $15.00, $16.00, somewhere around there.

Objection—immaterial.

[fol. 5217] Cross Examination of Thelma Owen.

By Mr. Hogsett:

Q. Miss Owen, you have spoken here of Mrs. Reeves in a way that indicated she treated

you rather badly. Was that the impression you desired to leave with the court?

A. Personally, I like Mrs. Reeves, but I was treated very bad in the shop.

Q. But I believe you rather indicated in some of your answers that you thought she treated you badly.

A. She did ask me questions I didn't like very well.

Q. Now, when you testified before the NRA Board, on page 52, you said this upon that same subject, didn't you, speaking of your conversation with Mrs. Reeves: "So I said I [think] you the many nice things you have done for me, and think just as much of you as I ever did. I like all my instructors, and you also." A. I did.

Q. You said that to Mrs. Reeves? A. I did.

Q. Were you sincere or saying that for effect?

A. I was sincere about Mrs. Reeves.

Q. Were you sincere about the instructors?

A. I was.

Q. The statement was sincere, and you meant it exactly as you said it, did you? A. I did.

Q. Now on the same subject, did you further testify before the NRA as follows:

"Q. Now, you worked for a long time after that, and when you had your last conversation with (Mr.) Reeves, you thanked her for your nice treatment.

"A. I certainly did. Mrs. Reeves, personally, I liked her very much.

"Q. She has always used you all right?

"A. She certainly has."

You said that did you?

A. Mrs. Reeves wasn't in the employment office to hire you. She was not my instructor.

Q. I didn't ask you that. Did you or did you not before the NRA Labor Board on the 26th of February, 1935, within eight months after you left the Donnelly Company, testify as I have read?

The Court: Now, repeat it.

Q. "Q. (By Mr. Reed): Now, you worked for a long time after that, and when you had your last conversation with Mrs. Reeves, you thanked her for your nice treatment?
"A. I certainly did. Mrs. Reeves personally, I liked her very much."

[fol. 5218 Did you give that answer?

A. I did.

Q. "Q. She has always used you all right?"
"A. She certainly has." Did you give that answer?

A. "Use" was not supposed to be in that. I meant treated.

Q. You are drawing a distinction now between treated and use. Did you answer this question?

A. I don't remember that, no.

Q. Now, let's see. You didn't actually join this union in the spring of 1934, at all, did you?

A. I [digned] applications, was considered a member.

Q. I will show you your application, which Mr. Walsh has produced, and ask you if it isn't dated 10/30/34, and if it doesn't bear notation: "Received 10/30/34" at the top. Just answer yes or no. A. Yes.

Q. In any case you had left the Donnelly Company's service four months before you signed this paper, hadn't you? A. Yes.

Q. Now you tried to give the Court the impression you had become a union member before you left, and you had been let out on that account?

A. As I said before, we signed the applications, and you have to have a large number of girls to give you power to accomplish anything as large as the Donnelly Garment Company. We considered ourselves members.

Q. Once more if I may ask you for an answer. What becomes of your testimony on direct

examination that you were discharged because you were a union member, when the fact is you didn't sign the application for four months after you left? If you have any explanation for that, please let us have it.

A. I signed the application in May, paid my initiation the 30th day of October, 1934.

Q. When you were talking to Mrs. Reeves, therefore, in June of 1934, at the time you left—by the way, did I get that straight, is that straight, is that when you did talk to her?

A. Six months to the time I was let out, I had two different talks with Mrs. Reeves.

Q. The last one? A. In July.

[fol. 5219] Q. Of 1934? A. Yes.

Q. Was that when you left, or quit, or were laid off? A. I was fired, June, 1934.

Q. And you did later talk personally?

A. Yes, personally, by telephone and personally.

Q. We will take the one when you were, as you say, "fired", in June. You didn't then belong to the union?

A. It was my understanding I belonged to the union when I filled out the application blank.

Q. All right. Did you ever tell any of your friends that time that you belonged to the union? A. I did not.

Q. Then, to the best of your knowledge, Mrs. Reeves didn't know it?

A. She accused me of it.

Q. And you said no you never paid five cents union dues in your life?

A. I didn't say "Mrs. Reeves, I never belonged to the union" for fear of losing my job. I said I didn't pay my dues.

Q. You were wording that answer carefully, not denying you were a union member, but denying you had paid dues. A. Yes.

Q. It was your design and purpose to give Mrs. Reeves to understand you were not a union member?

A. I said I had never paid five cent's dues.

Q. Why did you tell her that?
A. Because she looked a hole through me.
Q. Aside from that, why did you tell her that? Did you want her to understand you were a union member or not?
A. I did not want her to know it.
Q. Now during the time you were "fired", there were about 160 others who were laid off, is that right?
A. I wouldn't know. I don't keep books.
Q. Now, if you will give a direct answer. I didn't assume you kept books.
A. I wouldn't know how many was laid off.
[fol. 5220] Q. You know whether there was a big reduction in the force at the same time, do you not?
A. I don't know.
Q. Well, now, you don't know that now, you say; but when you testified before the NRA Board, did you then know?
A. I don't remember what I said.
Q. I will refresh your memory from page 59 with this excerpt from your testimony: "Q. Now it was the custom down there to give the operators who had been there some time, two weeks' vacation with pay, was it not?
"A. Yes.
"Q. Yes. You took your vacation and got your pay?
"A. Yes, sir.
"Q. And then the force was being decreased and you were let out along with 160 or 170 other girls?
"A. Yes, sir."

You testified that way, did you?

A. During vacation times there is as high as three or four sections taking vacations at the same time.
Q. Mrs. Owen, did you testify this way?
A. At the time I taken my vacation there must have been 100—

Q. (Interrupting) Will you kindly answer the question by answering whether you testified this way or not?

A. You don't understand me.

The Court: Will you read the question, please?

Q. Would you kindly look it over with me (going to the witness stand):

"Q. Now it was the custom down there to give the operators who had been there some time two weeks vacation with pay, wasn't it?

"A. Yes.

"Q. Yes. And you took your vacation and got your pay?

"A. Yes, sir.

"Q. And [them] the force was being decreased and you were being let out along with 160 or 170 other girls?

"A. Yes, sir."

Do you see it there?

A. I misunderstood that.

Q. You didn't understand it? A. No, I didn't.

Q. Did you ever have any complaints there from your superiors because you would go away from your machine and go out in the waiting rooms and put in your time talking union?

A. I never talked union during working times.

Q. Is your memory better now or not so good as it was shortly after your lay-off?

A. I talked morning and lunch hours' union.

[fol. 5221] Q. I will read from Page 60:

"Q. You would go away from your machine and go out where the girls were in the [anti]-rooms, waiting rooms, and there you would put in your time talking union?

"A. Some."

Did you testify that way?

A. If it is there, I certainly did.

Q. Now another step. You do admit, do you not —I don't know that you said anything about

it on direct examination, but I will ask you the direct question: Didn't they have a good deal of trouble with you there over sending work back that had been improperly done?

A. Never.

Q. That never happened at all?

A. No, sir.

Q. Do you have a clear memory of these facts?

A. I try to have.

Q. I just wanted to know. At Page 66 of your testimony before the NRA Board, did you testify as follows on the subject of your having work sent back to you—on the subject matter of your having work sent back to you because you had put in only six stitches instead of twelve stitches to the inch; do you remember being questioned on that subject? Is that all a complete blank to you, or do you remember anything about that?

A. I wonder if I can be allowed to explain this?

Q. On that subject did you testify as follows, beginning on Page 65:

"Q. Isn't it a fact that the rule was 12, and that repeatedly you skimped your work and would put in six stitches to the inch?

"A. I did not.

"Q. Or less than 12; and that work was sent back to you repeatedly on that account; isn't that a fact?

"A. There was some work sent back to me and when I compared them they were not mine."

And then later, Page 66:

"Q. Well, I ask you if, when you were sewing these goods and putting in these smaller number of stitches, you did not know that the machine was not sewing them in right?

"A. I certainly did.

"Q. And you went on and made the goods, didn't you?

"A. Some of it.

"Q. A good deal of it didn't you?

"A. No, sir.
"Q. How much of it?
"A. Very little."

And then further on Page 67:

"Q. Well, how many were there in this bundle you put on the six stitches in?
"A. I don't remember.
"Q. Well, you knew, didn't you, that if goods went out improperly stitched that would result in a loss to the company; didn't you know that?
"A. I did not."

Did you testify that way?

A. I don't think I did.

[fol. 5222] A. May I explain why I had less [that] the amount of stitches I should have had?

Q. Yes.

A. The machines were set and locked by the machinists, and when they would get caught and unlocked they would skip stitches. I showed my instructor, Mrs. Neimoyer. They were cheaper dresses and she told me to go ahead and maybe it would get back like it should. I changed the needle—

Q. (Interrupting) Then you did have some trouble with work that didn't have the right number of stitches, but you say it was due to the machine?

A. I was told to go ahead, by my instructor.

Q. And make it wrong?

A. Yes.

Q. Who was the instructor? A. Mrs. Neimoyer.

Q. How often did that sort of thing happen?

A. Not very often; I will say once.

Q. About how many times did it happen that your machine was out of order and the in-

structor knew that you weren't putting in enough stitches and she told you to go ahead and make it up anyway?

A. That only happened once about the stitches.

Q. You were at the Donnelly plant about how long in all?

A. From 1924 until 1927; laid off five weeks; called back by the company and worked until the fall of 1927; in November; was off close to a year or about a year; went back and worked until June, 1934.

Q. Now, I want to ask you this question as to the amount of your earnings there, if on the first week of January, 1934, you did not make $17.68, the second week, $30.46, the third week, $22.41, the last week in that month $19.71; and then, without bothering to call the months, $18.12, $20.89, $16.64, $24.10, $24.69, $23.34, $13.86 or a part week, $12.78 for a part week, fifty percent of your time; the next week, $14.00, $14.60 and that for part time, the next week $15.54, $18.15, $15.01, $13.33, and if you weren't allowed six hours time because your machine was out of order that day and you were paid $2.10 extra for it; $16.59 the next week, $17.44 and had machine trouble and you were allowed a dollar extra for that; the next week $16.93 with one and a half hours time for which you were paid fifty-six cents, $15.00, $17.90, $18.14, and the last week, the 22nd of June, $19.88, and allowed you for twenty-five minutes time when there was some lost time? That is the kind of wages you were getting down there?

A. My average was $15.00 a week. I don't know what you mean by part time.

Objection—immaterial

[fol. 5223] Q. I only know what the record shows.

A. You know if you are off so many days you don't get a paid vacation.

Objection—immaterial.

Q. Did you ever make wages like that at any time?

A. I have, by working mornings and on my noon hours.

Objection—immaterial

Q. You understood this question counted overtime, every time there was overtime. Did you make those wages for that amount of time?

A. I did.

Objection—immaterial

Q. You said you were able to by super-human effort of working at your noon hour and in the morning?

A. Yes.

Objection—immaterial

Q. Don't you know that the machines did not run at the noon hour?

A. Before the NRA went into effect we worked mornings, and I have worked my full noon hour. We weren't allowed to be at our machines before five minutes before time after the NRA went into effect, and we had to leave them at noon.

Objection—immaterial.

Q. Who is Mrs. White?

A. She was one of my last instructors.

Q. You say that did not happen while you were working for her?

A. That did not.

Objection—immaterial

Q. You spoke of taking work home with you. Did you have any sort of equipment there to do the work?

A. Well, it was like trims that had to be sewed up at both ends with an opening left in the middle that had to be turned. It taken so much time I was allowed to take them home and turn them at night.

Objection—immaterial

Q. Where have you lived from the time you left the Donnelly Garment Company up to now?

A. 1317 Troost.

Q. Continuously?

A. No, San Francisco, California.

Q. You have lived at 1317 Troost except for what interval?

A. August of 1936. I came back here last September.

Q. And returned September, 1938?

A. Yes.

[fol. 5224] Q. Where did you live in San Francisco?

A. 715 McAllister Street.

Q. Were you employed there?

A. Yes, I was.

Q. Where?

A. Varsity Sport Wear.

Q. When you left Donnelly Garment Company where did you go to work?

A. Gernes, Gordon's, Missouri, Azar's and Lyons'.

Q. How long were you at Gernes?

A. About two weeks.

Q. Then how long at Gordon's?

A. About a week.

Q. And how long at Missouri?

A. About six weeks.

Q. And this other place, how long were you at that place?

A. Just off and on when they needed me, I will say three months.

Q. You did not keep your jobs very long after you left Donnelly did you?

A. No, because I had to change my name when I left Donnelly Garment Company, when they found out I was Thelma Owen, and I had worked at Donnelly's.

Q. What name did you use?

A. My maiden name, Thelma Edmondson.

Q. Were you at Gernes' when they had the riot down there?

A. I was not.

Q. Were you a member of the union at that time?

A. I was.

Q. Were you down at the Gernes, Gordon, and Missouri riot?

A. I think that was while I was gone. That is the reason I went to California, I go so I couldn't get a job in Kansas City because I had worked at Donnelly's.

[fol. 5225] Q. You did not see the disorders down there at the Gernes' plant?

A. No.

Further Cross Examination

By Mr. Tyler:

Q. Mrs. Owen, do you know an employee at the Donnelly plant by the name of Jennie Brown?

A. I do.

Q. I will ask you whether you had a conversation with her near 13th and Troost shortly after you left the Donnelly employ in which you said to her in substance, "Whatever you kinds do, be smart and don't sign up with the union. You have the best jobs in Kansas City. I wish I had mine back."?

A. I did not. The only time I had a conversation—

The Court: That answers the question.

Objection—material

Q. You did not make any statement to her that included any part of that?
A. I did not.

Objection—immaterial

Q. Or to anyone else?
A. I did not.

Objection—immaterial

Q. You do not know Maude Fisher at all?
A. I know Maude Fisher by working in the plant. Maude Myers, I knew her by.
Q. Did you ever have a conversation with Maude Fisher?
A. Yes, I have called at her home.
Q. But the conversation Miss Fisher swore you had with her you didn't have, or any conversation like that?
A. No, sir.
Q. Do you know Velma Wooley?
A. I do not.
Q. Therefore, of course, you did not have the conversation she swears you had with her?
A. I couldn't; I was in California at the time.
Q. When did you want you went to California?
A. In August, 1936.
[fol. 5226] Q. How long were you there?
A. Until September of this past year.

Recross Examination

By Mr. Hogsett:
Q. You have heretofore testified for the defense?
A. Yes.

Q. In answer to Mr. Walsh's questions did you testify to this page 1226: "Miss Owens, a lady here named Mrs. Maude Fisher testified here and said that in April, 1937 she had a conversation with you at 13th and Troost in Kansas City in which you said to her we have always been good friends and I am going to give you a little tip. You better not drive your car Monday morning because we will all be there, the Fords, Chevvys all will be there and we are going to upset all the cars, cut the tires and beat you up and we are going to give Mrs. Donnelly one big go around, we are going to take Mrs. Wherry for a one-way ride, and also Ella Mae Hyde. Mrs. White, is is my meat alone. I am taking her alone. You get good salaries, but you will have to sign up with us anyway. We are going to sign up the Donnelly Garment Company. Did you or did you not say that to Mrs. Fisher at that time?

A. In 1937, I was in San Francisco, California.

Q. You testified to that?

A. I did.

Q. And at the very time you said you were in San Francisco, California, you were working here for the Marlene Dress Company as an operator, from December 9, 1936 to May 5, 1937, weren't you? Yes or no?

A. Yes, I understood the month of August, 1937.

Q. You heard Mr. Walsh plainly say that Mrs. Fisher and Miss Velma Wooley testified that you had this threatening conversation in April, 1937?

A. I misunderstood him.

Q. Pardon me, you heard that, didn't you?

A. I heard that, but I misunderstood the months.

Q. And the fact is you were working for the Marlene Dress Company from December 9, 1936 to May 5, 1937?

A. I was.

Q. Now, we subpoenaed the payrolls and also the union records to prove that you were paying dues at the union not only in April, but up through July and as late as October, 1937—you learned that, didn't you?

A. Yes. May I explain that?

Q. You heard that didn't you?

A. Yes.

[fol. 5227] Q. And you immediately became quite concerned over the testimony that you had given here before this Court, didn't you?

A. The dues was—

Q. (Interrupting) Pardon me, didn't you become quite concerned over the testimony that you had given?

A. Yes, I did.

Q. Pardon me, you were in Kansas City at the time of the alleged conversation, weren't you, in April, 1937?

Pardon me, you haven't yet answered. You were in Kansas City at the time of the alleged conversation in April, 1937?

A. I was.

[fol. 5238] N.R.A. Testimony.

p. 379 Mrs. Virginia Stroup, called as a witness, being duly sworn, testified as follows:

Cross-Examination.

p. 415 Q. Well, did Mrs. Reeves tell you or say in your presence that anybody that joined the union was going to get fired or discharged?

A. She said you could join 25,000 unions but that wouldn't keep them from laying off a girl if they saw fit.

Q. And you would have to behave yourself and do your work, isn't that a fact?

A. She didn't say "behave myself", but she said I would go down there and make my code or else out I would go.

Q. And she never told you that the company would discharge a girl because she belonged to the union if the girl did good work?

A. Yes, and if they didn't change her work, why,—

Q. Just answer my question.

Mr. Rucker. Q. Answer his question, and don't argue with him.

Q. (By Mr. Ingraham) Did she say that?

Q. (By Dir. Pratt) Did she say that?

A. Say that again.

Q. (By Mr. Ingraham) Did Mrs. Reeves say to you that a girl would be discharged because she joined the union even though she did good work?

A. She didn't say that, no.

p. 418 Q. Now, when was the first time you told any official of the Donnelly Garment Company that there was a union?

A. December 12.

Q. December 12. Before that time had you held meetings with different employees for the purpose of organizing a union?

A. I had gone to one union meeting besides the time we drew up the charter.

Q. And when did you draw up the charter?

[fol. 5239] A. The 6th of December.

Q. That was the first time?

A. Yes, sir.

Q. Then after that how many meetings have you held?

A. Well, we have had weekly meetings, every week, since we got started.

Q. Now, this charter: Does it contain the names of the organizers?
A. It contains the names of the charter members.
Q. How many charter members were there?
p. 419 A. Seven.
Q. How many have joined since that time?
A. I don't know.
Q. Well, how many of the seven that were charter members are working at the Donnelly Garment Company now?
A. I would like to see the names of those or like for you to read me the names of those on the charter.
Q. Virginia Stroup, Frances Riedel, Ellen Fry, Mamie Tubbesing, Clara Enloe, Lillian Rutherford, Tillie Shirley, Thelma Owen, Nora McKee.
A. Three.
Q. Now, at the time this union was organized, how many of these union people were employed at the Donnelly Garment Company?
A. I don't know.
Q. And there are just the three of you—Virginia Stroup, Frances Riedel and Nora McKee?
A. I don't know about that.
Q. Well, you know that those three—
A. Those three are working now.
Q. Those three are working now?
A. Yes.
Q. And at the time that the union was organized the rest of them were not working at the Donnelly Garment Company?
A. I don't know that.
Q. You don't know that?
[Vol. 5240] p. 420 A. No, I don't know that.
Q. Now, when was Ellen Fry laid off?
A. Well, it was along in the summer of 1934.
Q. When was Mamie Tubbesing?
A. Hers was about her vacation time last year, I believe.
Q. Lillian Rutherford?
A. Well, her vacation time.

Q. That was around June or July?
A. June, I think. Well, I should say Lillian Rutherford was laid off along in June.
Q. Tillie Shirley? A. I don't know.
Q. Thelma Owen?
A. I don't know about that, either.
Q. Now, is Ollie Thompson a member of the union? A. Yes, sir.
Q. Is Loretta Sisson? A. I don't know.
Q. Flossie Walton? A. Yes.
Q. Kathleen Jenkins? A. Yes.
Q. May Innis? A. I don't know.
Q. Gladys Ellidge? A. Yes.
p. 421 Q. Glynn Brooks? A. Yes.
Q. But at the time that this union was organized they were not employed at the company?
[fol. 5241] A. I don't know.
Q. Well, you have sat here during all these hearings, you have heard the testimony, haven't you? But you want to tell the Board that you don't know? You have talked to each one of them about it, haven't you? About their complaint in this case?
A. Those complaints?
Q. Yes. A. Yes.
Q. Everyone of these girls. Now you want to tell this Board that you don't know that they were laid off at the time that this union was organized? A. I don't know.

Mr. Rucker: Oh, I think they were according to your records and their testimony. They have all testified they were.

Mr. Ingraham. Sure.

Q. Did any official or superior to you ever tell you, or state in your presence, that if a girl joined the union she would be fired or laid off even though she did good work?
A. I don't believe I recollect hearing anyone say that.

Mr. Ingraham: I believe that's all.

Q. (By Mr. Rucker) What did Mrs. Allison say to you?

A. She said she sure felt sorry for we girls that belong to the union.

Q. What would happen to you?

A. That we would be laid off.

Q. And was she superior to you?

A. Yes. But that wasn't the way I got that question.

Q. (By Mr. Ingraham) And you haven't been laid off?

A. No, sir. And since the last hearing I should say everything has been very, very nice over there. Just like it used to be.

Q. It's [alright] now?

[fol. 5242] p. 429 A. Yes, [alright] now, but it wasn't for a while.

Q. Well, you have done pretty good work yourself, haven't you?

A. Pretty good work?

Q. Yes. A. What do you mean?

Q. Well, you don't make a practice—I mean your actual work has been up to the code?

A. Well, I hope so.

Q. Well, you know whether it has or not, don't you? A. Just what do you mean?

Q. (By Mr. Rucker) Well, have you made the code or not?

A. Why, yes. There might have been a few times, but I think everyone falls down once in a while.

p. 435 Q. (By Mr. Birkhead) Well, did Pauline Lutz ask you to make this complaint?

A. We had talked about it.

Q. I mean, she asked you to make the complaint for her? A. Yes.

Q. And the only superior in the Donnelly Garment Company, only superior to you, that ever threatened you with a lay-off or dismissal for your union affiliations was this Mrs. Allison?

p. 436 A. Yes, Mrs. Allison.
Q. And did she tell you that it had been suggested to her that she give you this warning from Mrs. Reeves?
A. She didn't say that that came from Mrs. Reeves, that we little girls would be laid off on account of our union affiliations. She told us that herself.
Q. What is her position?
A. She is an instructor. She instructs the girls how to work, the different operations.

[fol. 5243] p. 665 Proceedings—Before N. R. A. Board

MRS. GLADYS ELLEDGE RICHARDSON, called as a witness, being duly sworn, testified as follows:

p. 693 Q. (By Mr. Reed) You learned, did you not, that the Prudential Insurance Company made an investigation of this employment of yours that you had with the Gernes Company?
A. I did not.
Q. Did you learn of it?
A. I heard of it, but I didn't learn it.
Q. How did you hear of it?
A. Mrs. Ella Mae Hyde told me.
Q. And she told you about a letter that the insurance company had written, didn't she?
p. 694 A. That's correct.
Q. Showed you a letter?
A. She did not show it to me. I asked to see the letter, and she said, "After all, Gladys, that wouldn't be fair to the insurance company, and I certainly won't show it to you."
Q. Well, she read it to you?
A. She did not.
Q. Did you see the paper at all?
A. I did not.
Q. Didn't you see that paper right there (indicating)? A. No, sir.
Q. Well, wait till you look at it.

A. I never did. That's the first time I ever saw the paper.

Q. She had a letter in her hand, however, didn't she? A. She did not.

Q. What did Ella Mae Hyde say to you when she talked to you?

[fol. 5244] A. She came down to my machine and I was working, and she said, "Gladys, when you finish your bundle, you come to my office;" and I said, "All right, Mrs. Guerrant." When I got there she says, "Gladys, we don't need you any longer." I turned around and looked at her so funny. I said, "Why don't you need me any longer, Mrs. Guerrant? You are hiring a lot of new help, and, after all, I am an old girl. Why don't you need me any longer?"

p. 695 And she says, "We don't hire dishonest people." I said, "What do you mean, dishonest?" Mrs. Guerrant said, "Well, you received money from the insurance company which you were not entitled to." And I said, "What do you mean?" And she said, "Well, we received a letter from the insurance people, stating that you worked for the Gernes Garment Company and you were not entitled to this money, and we don't want you any longer." I said I would like to see the letter. She said, "No, Gladys." She said, "After all, that wouldn't be fair to the insurance company, and I want to be fair to everyone."

Q. So you were discharged there because you were drawing sick benefits from the insurance company during a period when you were working under a different name than Elledge, the name by which you were carried on the insurance policy—

A. It's strange you had my name as Gladys Elledge Richardson on that paper.

Q. —and you were informed that the insurance company had complained about it. That's why you were discharged, isn't it?

A. Yes. It was in one way, because they couldn't find anything wrong with my work. But they caught me talking unionism, and they wanted me out of there because they said, Well, after all, every girl that talked unionism down there, they was going to get them out.

p. 698 Q. When did you first talk to anyone about joining the union?

A. The first time I talked to anyone about joining the union was in the spring. We were out at Glynn Brooks' home, and she had a group out there, a group of people, and we had representatives out there, such as Marion Burns.

p. 700 Q. (By Mr. Reed) Now, when was the next time that you girls had any meeting?

A. We had several. I couldn't call the day.

Q. Where did you meet?

A. Different places; different girls' homes.

Q. Just this same little group?

A. No. There was a lot of others that was added to it.

Q. Well, how many others?

A. I couldn't say.

Q. Can't you give me some light as to when you actually organized this union branch.

A. We started in the spring.

Q. When did you actually organize it?

[fol. 5245] A. At the same time.

Q. Did you elect any officers?

A. Yes, we had a few officers.

Q. Who did you elect?

A. Well, I just don't remember, but we had officers.

Q. You don't remember who you officers were? Don't remember when you elected them?

A. No.

p. 701 Q. Don't remember at whose house you were when you elected them?

A. No, sir.

Q. Now, you girls who had these meetings: Did you make them public, or did you have secret meetings? A. No, they were public.

Q. Public to whom?
A. To the employees of the Donnelly Garment Company.
Q. Did you invite the rest of them to come there?
A. They invited a few. As many as the house would hold.
Q. And did they come?
A. Yes, sir.
Q. There was nothing said there about keeping this secret?
A. No, sir.
Q. Did you go out and tell it to everybody?
A. Certainly.
Q. Did you go down to the shop and tell it down there? A. I did.
Q. Did you down there in the shop urge people to join? A. I did.
Q. During working hours?
[fol. 5246] A. No, sir.
Q. When?
A. Lunch hours and after working hours.
Q. On the premises of the company?
p. 702 A. No, sir. I went to their homes and their business places.
Q. Well, I am asking what you did down there at the company. You said you did talk it down there.
A. In lunch hours, I did.
Q. Yes. Where are the lunches taken?
A. Sometimes I went out for lunch and went to other restaurants, and sometimes I had lunch in the lunch room.
Q. And you talked it up in the wash rooms and around there, did you?
A. During lunch hour.
Q. Yes, during lunch hour. All right. But on the premises of the company?

p. 703 Q. (By Mr. Reed) Well, you did talk it during lunch hour while you were on the premises of the company?
A. Yes.

Q. And you did it repeatedly, didn't you?

A. During lunch hours; yes, sir.

Q. All right. Now, the meeting that you had at Glynn Brooks' house was held in May, 1934?

A. Yes, sir; around that time.

Q. And you were sick until sometime in August or later, and then you came back to work. What date was it? I have asked this once, but I don't remember. When you came back to work.

A. I returned to work the 8th day of August, I worked the 8th and the 9th, and I had a relapse of the heat stroke, and I was down.

Q. And then you went back when?

A. I was called back December 12, I believe, to be correct.

Q. Now, when you were down there at the company, you were very enthusiastic for the union, I take it?

[fol. 5247] A. Certainly.

p. 704 Q. And you talked there among the girls and the people continuously from the time you went down, and you continued to advocate the union?

A. I did at mornings and noons and evenings, but not during working hours.

Q. And you made no secret of it?

A. No, sir.

Q. Now, from the time that you had the meeting out there in Glynn Brooks' house—I believe that's the name. A. Yes, sir.

Q. At the time you had that in the spring you became enthusiastic for the union. And you went back to the company and worked until July when there was a lay-off?

A. I did not work until July.

Q. When? A. I was laid off in June.

Q. In June? A. Yes.

Q. Very well. I don't mean to cavil about the date. During all that time you talked union down there, just as you said?

A. I certainly did.

Q. And notwithstanding that fact, you were called back in the month of December? Called back in August and worked 2 days, and then called back in December?

A. That's right.

p. 705 Q. And you were kept there in the shop or in the factory until the 15th day of January. Then you were called in and were told that you were being let out on account of this insurance matter. That's right, isn't it?

A. That's what they told me.

[fol. 5248] Proceedings—Before N. R. A. Board

p. 713 Mrs. Lou Perkins, called as a witness, being duly sworn, testified as follows:

p. 722 Q. (By Mr. Reed) Had you been around there telling that you belonged to the union or making any fuss or agitation?

A. Well, I had talked union to the girls.

Q. There on the premises?

A. Yes, sir.

Q. When did you begin doing that?

A. Well, in June and July. In July when I went back to work. And I had talked it that spring that I was there.

Q. And notwithstanding the fact that you had talked it in the spring, you were called back in the summer?

A. I wasn't called back. I went back.

Q. Well, you went back and you got a job?

A. Yes. But I didn't get a steady machine.

Q. What are you? A straight operator?

A. I do straight sewing and hemming.

Q. When did you say you joined the union?

A. Joined the union in November.

Q. Of 1937?

A. Yes.

Q. That's when you were out of work, not working for the Donnelly Garment Company?

p. 723 A. Yes. And I called down there and asked for work at that time. And I don't know who answered; I don't know whether it was Mrs. Guerrant, or whether it was the nurse who answered the phone. And she said, "Wait a minute"; and I waited, of course,—

Q. You don't know who you were talking to?

A. No, I don't.

Mr. Rucker: Q. Go ahead and finish the answer.

A. She said, "Wait a minute." and I waited. And then she came back and said, "You wait till we call you." And I am still waiting.

[fol. 5249] Q. (By Mr. Reed) Did you sign any application to join the union?

A. Yes, sir.

Q. When?

A. In November.

Q. As a matter of fact, you didn't join the union until February 11, 1935, and that fact is shown on your card, isn't it?

A. I didn't do any active work in it until then.
Q. Well, did you join it?
A. I joined and filled out my application.

[fol. 5250] Direct Examination of Mrs. Reeves

By Mr. Reed: (Letter of March 9th, 1937, marked Exhibit 32, received in evidence)

Q. So far as you know, did either of the signers of this letter have any relationship with your employees or with your company?

Objection—immaterial

A. They did not. They were strangers.
Q. This statement—this letter rather contains the statement "15 members of our union"—that is the ILGWU—"were discharged by your firm because of their affiliations with our organization. Their case was up before the National Labor Relations Board". At that time or otherwise, did you learn who these 15 members that they claimed were discharged were?
A. At the hearing before the Labor Board, I heard who these 15 members were. Before that I knew through a letter we had received from the Labor Board.
Q. I ask you if you could name these parties from any knowledge which you received at the hearing or otherwise as to who these 15 girls were, their names if you can remember them? A. Yes.
Q. Was Lillian Rutherford one of them? A. Yes.

Q. Was Thelma Owens one of them? A. Yes.
Q. Was Glynn Brooks one of them? A. Yes.
Q. Was Tillie Shirley? A. Yes.
Q. Mamie Tubbesing? A. Yes.
Q. Ellen Fry? A. Yes.
Q. Was Magdalene Hammers? A. Yes.
Q. Was May Innis? A. Yes.
Q. Was Loretta Sisson? A. Yes.
Q. Was Ollie Thompson? A. Yes.
Q. Was Nora McKee? A. Yes.
Q. Was Lou Perkins? A. Yes.
Q. Was Margaret Howard? A. Yes.
Q. Was Kathleen Jenkins? A. Yes.
Q. Was Nora McQuiston?
A. Nora McQuiston was the one that I heard I think.
Q. Had those girls worked at the factory at one time? A. Yes.
Q. At the time you received this March 9th. letter. About December 6, 1934, there was a letter received from the Labor Board which you referred to a moment ago in your testimony which was stricken, naming these particular people as having been discharged?
A. Yes, sir.
Q. Now, at that time were any of these people that I have just named working for the company?
A. Yes, eight of them.
Q. Now, let us get back—were any of these people ever discharged by the company because they belonged to a labor organization?

[fol. 5251] p. 112 Q. Who is it at the plant determines when the number of employees shall be increased or shall be decreased?
A. When these—
Q. In 1934 when this occurrence happened?
A. There was a committee of three who decided upon which number to be laid off; taking into consideration their qualifications.
Q. Who was that committee, do you remember, in 1934?
A. Mrs. Wherry, Mr. Athicison and myself.

Q. Was there more than one general lay off that year? A. There were two.

Q. In July, 1934, how many employees were let off? A. Approximately 115.

Q. In October, 1934 was there another lay off?

A. Yes.

Q. About how many?

A. Approximately 180.

p. 113 Q. When you laid off these employees, this 124, or 115 I think you said, and 180 you said—whatever number was laid off—those two lay offs, were they laid off solely because of lack of work?

p. 114 A. They were laid off entirely on account of lack of work.

Q. When the lay offs of this kind were made, how was it determined who should be laid off?

A. We would analyze the operators very carefully, the ones that were incapable of doing more than just one very small proportion of work, only one type operators, who couldn't change from one machine to another, least efficient operators were naturally the ones laid off first.

Q. You have spoken of the question of efficiency and ability to operate machines. Were there other things taken into consideration?

A. Yes, there are always things taken into consideration. We have kept people who have been physically disabled for years. We have kept people we knew their financial condition at home, that they were the sole support, we have tried to be just as humane and considerate of all of our employees, and take all those cases into consideration with the situation when we had to have a lay off of any kind.

[fol. 5252]

p. 115 Q. Do you or do you not also take into consideration the attitude and manner and abilities or disabilities of these employees?

A. We certainly do.

Q. When you let out this approximately 124 in July, I believe you said 115, when you let them out did you take into consideration anything except the lack of work and the other considerations you have just mentioned?

A. That was the only thing we could take into consideration.

Q. Now, was there a further diminution of work after the month of July and before the month
p. 116 of October so that you had to lay off additional people? A. Yes.

Q. Were the reasons for that reduction in the force the same as you have given with reference to the July lay off? A. Yes.

Q. Did you know at the time you let these employees out that any of them belonged to any labor union? A. I did not.

Q. Was that matter considered by your committee? A. No, we didn't know it.

p. 117 Q. Now, there was a hearing before the Labor Board which I believe—you remember receiving a letter from the Labor Board in which they made the charge that these people had been—this list of names, 16 or 17 had been discharged because they were members of the union and had not been hired back, or brought back when there was an increased employment. Do you remember that letter?

A. I remember receiving a letter like that.

Q. Before you received that letter, had you been calling back employees? A. Yes, sir.

Q. As a matter of fact had you called back any of these complaining girls?

A. There were eight of them that had been called back.

Q. Did you at that time know that they had ever been affiliated with any labor organization?

A. I did not.

Q. Were they called back just as part of the
[fol. 5253] general calling back of employees in the ordinary way?

A. Yes.

Q. Do you remember about how many employees were called back at that time, former employees?

A. I believe around 80 I am not positive. I would have to refer to the records.

Q. Among that number that were called back, 8 of these girls it is claimed had joined the union after they had been let out?

A. Yes.

Q. There were 15 let out, and eight of them had been called back. Did the other 7 ever, to your knowledge, apply for work at the company? A. Not to my knowledge.

Q. You spoke about the statement that was made before the Labor Board by various of these employees, former employees. Was there one of them—did it come out at those hearings, one of them claimed to have been a member of the union before she was let out?

A. Yes.

Q. Who was that? A. Ellen Fry.

Q. She was the only one? A. Yes.

Q. Are some of those that were called back—that is I am referring to the eight, still working for the company? A. Yes.

Q. Do you know whether or not other union people had been working for that company for years? A. I do.

Q. Was there any question raised or objection made to their union affiliations by the company? A. They were never asked.

Q. Was the fact that any of the 7 who were not called back due to the fact that they had joined any union or that you had any information that they had joined any union?

[fol. 5254] p. 120 A. That was not the reason they were not called back. The reason they were not called back was that [there] were not efficient operators. They were not three type operators.

Q. This letter states "150,000 workers employed in this industry are enjoying a five day, 35 hour working week and a $22.05 per week

minimum wage scale for operators". What are the facts about that, if you know?

Do you know from your general knowledge of this business what the wages were that were paid in many factories for this class of work? And the hours of labor they were being worked?

Objection—immaterial.

A. Our competitors?
Q. Yes. Just answer yes or no.

Objection—immaterial.

A. Yes.
p. 122 Q. What are the facts with reference to the hours of labor and wages being paid by your competitors right here in Kansas City or elsewhere?

Objection—immaterial.

A. I obtained this knowledge also through what the other shops were paying, through applications of operators who came to us and applied for jobs, put it down in black and white, what the conditions were they were working under.
Q. What was the fact about these employees here in Kansas City, and these other factories working on five days a week, 35 hours?

Objection—immaterial.

A. They were working 40 hours a week.
Q. What do you know about $22.05 being a minimum wage scale for operators in these Kansas City plants?

Objection—immaterial.

A. Not according to their contracts, as I remember.
Q. What was it?

Objection—immaterial.

A. $13.50 was the minimum for most of them, with the exception of one.

Q. One contract?

Objection—immaterial.

A. One contract.

Q. Whose contract was that?

Objection—immaterial.

A. The Marlene Dress Company.

Q. What were the wages being paid in the Donnelly Company for finishers, pressers, cutters at the time this letter was written, March 9, 1937?

Objection—immaterial.

A. Our minimum wage was $15 per week; and our cutters were getting from forty to fifty for a first class cutter; and our finishers were averaging from $20 to $25 to $30 per week. Our operators were averaging as a minimum $15 per week. An efficient operator was making and did make from $25 to $50 a week; the less efficient operator made from $20 to $25 a week.

[fol. 5255] Q. Was $15 a guaranteed minimum, whether they made it or not?

p. 124 A. $15 was a guaranteed minimum—even a bundle boy that had worked two days, that was his guarantee.

Q. Statement is made in this letter "That the wage scale for finishers, pressers and cutters are at least thirty per cent lower than those that exist in the industry". What is the fact about that? A. That is not true.

Q. Statement is made that "the hours of work in your shop are 40 and more per week". What is the fact about that?

A. Our regular work week is 40 hours per week. During peak seasons, while we do work over time with the full consent of the operators,

nobody is ever compelled to work if they do not care to. They do it voluntarily.

Q. They get paid for that?

A. They get time and a half for every hour they work overtime.

Q. Was that true in 1934?

A. I don't remember. They got over time I know. But I don't remember whether they got time and a half or not.

Q. Is it true that today they get time and a half for all the work above 40 hours a week?

p. 125 A. Yes, sir.

Q. In 1937 when this letter was received did your workers, when they worked more than 40 hours a week, receive time and a half pay?

A. Yes.

Q. Statement is made in this letter that "the conditions and wages under which your employees are working, not only deprive them of the privileges and opportunities enjoyed by the workers in this industry, but endangers their general work standards and wage scales". Was there any such condition as that in this plant?

A. No, there was not.

Q. The statement is made in this letter "Under your system of production the worker is compelled to invest extraordinary effort, but the reward that follows is very meager in proportion to the efforts invested". Is that true in this plant? Is there any system down there like a speed up system which forces operators to do a certain amount of work?

[fol. 5256] p. 126 A. There is not.

Q. Has there ever been?

A. That is not.

Q. Tell the Judge what is meant by line work, whether there are shops that have a system by which each operator must do the work that is pushed over to him by another operator, and keep up with the rest of them. Is that what you call line work?

A. That is what you call line work. Yes.

Q. Has any such system ever been used in the Donnelly Company? A. It has not.

Q. The statement is made in this letter "Your workers are denied the right of joining a labor organization". Was that true?

p. 127 A. No, it was not.

Q. And this statement follows: "Those who do, are immediately discharged". Was that true?

A. No it was not.

Q. Statement is made "The piece workers in your shop have no voice as to what the piece rates should be as they are set exclusively by representatives of your firm". I believe you went over that the other day and told us how they were fixed?

A. Yes, sir.

Q. The letter states "Your workers are denied the privilege of genuine collective bargaining". What is the fact about that? Was any worker of the Donnelly Company ever denied the right to collective bargaining? A. No.

Q. Did they ever come in and ask for it?

A. No.

Q. Have you had in the plant any trouble whatever with your employees over wages, hours or working conditions in the 17 years of your connection with the company?

A. Have not.

Q. Has it or has it not always been true that any employees who thought their scale of prices was too low could make that known to the company and would receive consideration?

[fol. 5257] p. 128 A. That is true.

Q. Would adjustments be made?

A. They would.

Q. Was anybody ever discharged because they came and made such a request?

A. There were none.

Q. State, Mrs. Reeves, all you know about the organization of the Donnelly Garment Workers' Union?

A. I don't know anything about it.
Q. Did you learn that such an organization existed?
A. I did, around—some time in May.
Q. Can you state now from knowledge you have since received when it was organized. I would like to fix a date.
A. I think April 27th. I am not positive of that date.
Q. Before this date of April 27th, which you
p. 129 have tentatively fixed, in 1937, what was the condition as to strikes in Kansas City in other garment companies?

Objection—immaterial

p. 130 A. I want to correct the statement I made. I believe that I said that prior to April 27th, we paid time and a half for all over time. During our peak seasons, when we did work overtime, we paid for overtime and sometimes we would pay time and a half. But it was optional. We didn't always stick to the one rule.
Q. When did you begin paying time and a half regularly? A. I think after April 27th.
Q. That is the date that the union made a contract? A. Yes, 1937.
Q. Whatever the date was the union contract was made, it was after that you began regularly paying time and a half for over time?
A. I believe May 27th when the first working agreement was made; June 22nd was when the wage and hour agreement was made.
Q. You said you knew of strikes occurring in these other garment factories in Kansas City? Did they continue from about March 15th to April 27th?

Objection—immaterial

A. Yes, sir.
Q. What companies were there strikes in?

Objection—immaterial

[fol. 5258] p. 1931 A. Gernes Garment Company, Missouri Garment Company, and the Gordon Garment Company.

Q. Where were those companies located?

Objection—immaterial

A. 26th and Walnut.

Q. How far is that from your place of business?

Objection—immaterial

A. About six blocks—six to eight.

Q. Did you go behind those buildings and see what was going on at different times?

Objection—immaterial

A. Yes, I did.

Q. What did you see?

Objection—immaterial

A. I saw milling in the streets, lots of excitement; pickets going back and forth in front of the building, and a lot of commotion.

p. 1932 Q. Did you see policemen there?

Objection—immaterial

A. Yes, sir.

Q. What were they doing?

A. Trying to help girls get into the building, in order that the girls might go to work.

Q. Were there accounts of these strikes in the newspapers?

Objection—immaterial

A. There were, and pictures.

Q. Did you observe the effect of these strikes and threats on your employees?

Objection—immaterial

A. Yes.

p. 133 Q. State what you observed?

Objection—immaterial

A. They were very nervous and upset, and they said they had heard threats that the union was going to come and try the same tactics on the Donnelly Company, as soon as they settled strikes with other plants; they asked what could be done about it to protect them from such violence.

p. 135 Q. Now, did you or as far as you know, any officer or executive or superintendent or foreman or any other superior have anything to do whatsoever with the organization of the plant union? A. They did not.

[fol. 5259] p. 148 Q. (By Senator Reed) I hand you a circular marked for identification Exhibit 36 and ask you to examine the circular and state when you first knew of that circular being distributed.

Objection—Offer of Exhibit 36 immaterial.

p. 149 A. In May and June, 1937.

Senator Reed: I offer in evidence Exhibit 36. For the information of the Court it contains a copy of the March 9th letter which I have already introduced in evidence.

The Court: The polite Letter?

Senator Reed: Yes, the polite letter. Now, I read the big type, or I read that part of the circular which was not contained in the March 9th letter. On the cover printed in large letters "We do not patronize the 'Nelly Don' Dress." On the next page it says:

(Senator Reed reads Exhibit 36).

p. 150 Q. (By Senator Reed) From the reports which have come in, from the facts which you have learned, how wide or general was the distribution of this Exhibit 36 throughout the country?

Objection—immaterial

A. A national distribution?

Q. Was it [send] in to you by numerous of your purchasers?

Objection—immaterial

A. Yes, sir.

Q. By purchasers, I mean your regular customers?

Objection—immaterial

A. Yes, sir.

Q. Taking up the part of this circular which is in addition to the letter of March 9th, I want to ask you some questions regarding the statements contained in that. Statement is made "The workers of the Donnelly Garment Company are compelled to work long hours while their wage scale is far below that which prevails everywhere else in the dress industry." I think you have covered that when you stated there were 40 hours per week in general, and you have also covered the wages. This statement, however, was it true or untrue?

Objection—immaterial

A. Untrue.

Q. I read from the circular "The speed-up system is such that most of the 1300 workers employed by this firm are in a state of exhaustion and fatigue." Is that statement true or untrue?

Objection—immaterial

A. Untrue. False.

p. 151 Q. What was the fact with reference to the condition of your workers down there with reference to their health?

Objection—immaterial

A. The health of our workers is far above the average; and as I said before, on health insurance, we got a return premium to the Donnelly Garment Company over $6,000.00, which

Mrs. Reed immediately redistributed to her employees.

Q. Has there ever been a speed-up system or anything like a speed-up system in that plant since you have been with it?

Objection—immaterial

[fol. 5260] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

A. There certainly has not.

Q. Is it a fact, if an employee who is working on piece work, for instance, simply produces what she feels able to produce or desires to produce, that as long as they work with decent regularity, that is all there is to it?

A. That is the fact, the case.

Q. Statement is made "many of them"—that is the employees "must have constant medical attention because of the nervous strain imposed upon them by this system. Numerous workers, suffer complete nervous breakdowns." Is that true?

A. That is not true.

Q. Has it ever been true?

A. No, it has never been true.

Q. Have you ever known of a single case where a person was overworked down there and broke down under it?

A. I have not.

p. 152 Q. How many people in that plant have been there over ten years?

A. 25% of the workers, today, that have been there over ten years; and 50% over five years.

Q. And some of them have been there how long?

A. Some of them have been there since the company started when Mrs. Reed started out originally before there was even a corporation.

Q. Now, Mrs. Reeves, has there ever been a spy system in that plant?

A. There has not.

Q. Have you ever in any manner undertaken to spy upon your employees?

A. We have not.

Q. Now, they say "The spy system is under the direct supervision of a notorious strike-breaking detective agency, through which every worker is spied upon." Is that true or not true?

A. That is absolutely not true.

Q. Then follows this statement "Those who dare to complain of conditions or join a labor organization, or express a favorable opinion of the union, are immediately discharged." Is that true?

[fol. 5261] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

A. That is not true.

Q. Was it ever true?

A. No, it was not.

Q. Has there been any expression among the employees, general expression, with reference to the untruth and the repudiation of the statements contained in this circular?

p. 153 A. There certainly has. They are very indignant, and their expression took the form of sending Mrs. Reed personally 750 letters to her, telling her just exactly what she meant to them as an individual, what the Donnelly Garment Company had meant to them, and denying these charges.

Q. Were those voluntary statements?

A. They were, yes. They were all personal letters sent to her.

Q. Were there also any affidavits made?

A. Yes, there were.

Q. Have you ever seen them?

A. Yes, I saw them.

Q. Were they delivered to the company.

A. Well, I don't know where they were delivered but I saw them when Mrs. Reed happened to have them.

Q. They were in her hands? A. Yes, sir.

Q. Did you see them?

A. I saw them and read them, everyone of them.

Q. Were you acquainted with the persons who wrote them? A. Yes, sir.

Q. I hand you a bundle of papers which I will hereafter identify, a very large bundle. Look them over and see if those are the letters which you saw in Mrs. Reed's hands, and which were written by the various employees of the company voluntarily?

A. These are the letters.

[fol. 5262] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

p. 154 Senator Reed: I offer them in evidence.

The Court: How will you identify them, Senator?

(4 bundles containing approximately 175 to 200 letters is marked Plaintiffs' Exhibits 38, 39, 40 and 41 for identification.)

p. 158 (Whereupon, Plaintiffs' Exhibits 37 to 41 inclusive, as received in evidence are made a part hereof.)

p. 160 Q. By Senator Reed: Mrs. Reeves, I am referring to one of the newspaper articles where Mr. Perlstein announced the International would send out emissaries over the trade territory of these companies to contact your customers. Do you remember whether or not the threat was carried out? A. I did.

Q. And how extensively—how did you learn it?

A. I learned it through the letters and long distance telephone calls from our old customers and through our salesmen.

p. 161 Q. About how many reports have you had from customers who have been called upon, and who were complaining or alarmed about this crusade?

A. I would judge at least a couple of hundred.

Q. (By Senator Reed) Has that condition ever existed ever since—up to the time the restraining order was issued?

A. Did that condition exist? Yes.

p. 162 Q. And since the restraining order, has that condition existed also?

A. Yes.

Q. In what parts of the country particularly was this crusade carried on? What states?

A. It was carried on in Michigan, Louisiana, the New England States particularly, where there are—

Q. (Interrupting) How about the southern states?

A. The southern states. Texas and so forth.

Q. During the time this has gone on, has it damaged your business particularly with accounts? A. Yes.

p. 165 Q. Do you know of accounts that have been lost to the company on the alleged statement of the customer that it is because of these attacks that have been made?

[fol. 5263] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

A. Yes.

Q. Now, can you name a few of the accounts?

A. R. H. Stearns, Boston, Massachusetts; D. H. Holmes, in New Orleans are two. Some small accounts, I can't recall right now in Michigan that passed up our line.

Q. This account in Boston, how long had you had that? A. Over ten years.

Q. What was their annual purchase general?

A. Well, not less than twenty-five to thirty-five thousand dollars a year.

Q. How about the account in New Orleans? How long had you had that account there?

A. Approximately the same time.

Q. That is ten years or more?

A. I am not definite on that.

Q. In New Orleans anyway?

A. In New Orleans, yes.

Q. What was your annual sales for that company? A. Approximately the same.

Q. $25,000.00 per year? A. Approximately.
Q. And you say there were a number of smaller accounts you do not recall? A. Yes.
[fol. 5264] p. 193 Q. When did Mr. Baty become superintendent of the plant?
A. June, 1935.
Q. Prior to that time if there was any person to be discharged, except when you let out numbers of them, what was the method of investigating and finding out whether they should be dismissed and who did that?
A. We would check up on the record of the girl, and we would discuss it with the instructor to see if that girl were capable of doing any other type of work than the one she was doing at that particular time. We would try her in other sections to see if she could—give her other type of work to see if she were capable of doing a job in some other part of the factory. If it were impossible, we would discuss the matter with Mr. Atchison, Mrs. Wherry and myself and we would come to a decision.
Q. If there was anyone who complained they were not being treated fairly in a department, what was the custom with regard to sending them to some other department to see if they could get along there?
A. We would change them and try to give them a chance in every other department that we could.
p. 194 Q. Now since Baty came in, has he had charge of the matter of discharging any person where it is deemed necessary to discharge him?
A. Yes, sir.
Q. Did your company, to your knowledge, or any officer of the company, to your knowledge, or any superior of the company, to your knowledge make any contribution directly or indirectly to the plant union?
p. 195 A. They did not.

Q. Did any officer or executive of the company to your knowledge use any influence to cause the organization of the plant union?

A. They did not.

Q. Has the company contributed in any way to the support of the plant union given financial aid or other aid to your knowledge to the plant union?

A. They have not.

Q. Did Mr. Tyler represent your company in any way?

A. Not to my knowledge.

p. 230 Q. In 1937 did Mrs. Nichols fix the prices in the manner you have detailed?

A. Yes.

Q. She is still doing it?

[fol. 5265] A. Yes, along with extra help. I will say, Miss Todd checks all prices now, and her committee.

Q. After Mrs. Nichols?

A. I believe at the time they are made.

p. 769 Q. I will hand you a book now entitled "Folding Record" and ask you whether or not that is a production record of the Donnelly Garment Company and the dates which the entries record?

A. It is our folding record, December 3, 1936 to January 27, 1937.

Q. I see on the first one of these, it covers from November 15, 1935 to January 9, 1936, that is correct isn't it, Mrs. Reeves?

p. 770 A. Yes.

Q. And I think you testified upon yesterday that those books were not retained by the Donnelly Garment Company year by year?

A. I did not testify on this, Mr. Walsh.

Q. Have you any books of that kind? I thought you testified that you had none of that kind for 1935 excepting this one, of course?

A. I imagine they would not have, that is in another department than mine.

Q. Didn't you testify upon yesterday that the production record, when I asked you about

them, were not kept for any length of time? I wish you would tell me just for what length of time they are kept?

A. I do not imagine for over two years at the most.

Q. Have you 1935?

A. No, I am sure we would not have.

Q. What became of the records for 1935?

A. They are burned up, aren't they?

Q. I don't know, I never was in the shop until the other day.

A. Pardon me; I believe they are destroyed.

Q. Did you have anything to do with destroying them?

A. No.

p. 771 Q. Who does the destroying of the records when you are through with them?

[fol. 5266] A. I think the janitors.

Q. When you were production manager who turned them over to the janitors for destruction?

A. We do it in a routine way.

Q. However you do it, who turns it over to them?

A. Well, the payroll girl who would turn it over to them and those books and anything that—

Q. (Interrupting) I am just speaking of these books. Who attend to the destroying of these books?

A. The payroll girl or the file girl, after a certain length of time.

Q. Can you tell us when you were production manager what that length of time was before your turned them over for destruction?

A. Oh, I don't think we ever kept them over two years.

Q. Have you any, to your knowledge, back of 1935? Was that a regular custom to destroy them to burn them?

A. Yes, we do not keep any records after that.

Q. You do not keep any records at all?

A. Not of that character.

Q. Have you a record into which this is copied,

p. 772 that is a permanent record showing the

amount of your manufactured product and the income that you derived therefrom?

A. Well not in that detail. I really don't know what the accounting department keeps. I would not know.

Q. Was there any order made at any particular time for the destruction of your records?

A. Well, I imagine the department head knows it; for instance in my own particular job there are some particular records I don't bother keeping over six months.

Q. We will keep to these production records. When those production records were destroyed did you give the order to destroy them?

A. I have in the past.

Q. I mean when you were in the production department?

[fol. 5267] A. Yes.

Q. And to whom did you give that order?

A. Well, the payroll girl; it was just generally understood; I don't believe there was ever an order. It is just a question of an accumulation of a lot of papers and you cannot keep all that stuff.

p. 773 Q. When was any order given that you can recall now to destroy any production records, general or specific, prior to 1936?

A. I would have to answer you generally on that, I could not be specific about it.

Q. I will ask you whether or not you ever gave any order, generally or specific, to destroy production records such as the ones that have been produced here and marked for identification which you have examined?

A. Yes.

Q. When did you give that order?

A. Well, the first time I did it was when I was on the payroll myself.

Q. I am asking you when?

A. That was in 1922 and 1923.

Q. And what was your position then?

A. I was payroll clerk.

Q. You were what?
A. Payroll clerk.
Q. To whom did you give that order.
A. I just told the janitors to take them away and burn them.
Q. Have you ever given any orders since 1922?
A. Well, I have given a blanket order like the person who was on the payroll, I would say "Well, keep those things for a certain length of time and then destroy them".
Q. Tell me the next order you gave and tell me just what you said to the girl, in substance?
A. Well, I believe she came and said "How long shall we keep these" and I said "Oh, well, keep them about two years or about a year and a half" or whatever it happened to be.
Q. Do you remember the exact time you told the girl to keep them?
[fol. 5268] p. 774 A. No, I don't.
Q. Were your orders carried out all the time?
A. I don't know.
Q. Then you may have them for 1935 and 1934 down there?
A. Well, now, I didn't have anything to do with this in 1937 and 1936, 1936, 1937, and 1938, so I don't know.
Q. How about 1934?
A. Well, I don't know; I don't imagine we have anything left like that.
Q. I asked you about it to get it definite and you correct me if I am not correct, and you said they were not there and they have been destroyed, is that correct?
A. That is correct, I am positive.
Q. That is true?
A. Yes.
Q. Are the production records for 1934 still down there?
A. No.
Q. Are the records for 1933 still down there?

A. No. You are still talking about that folding book?

Q. I am talking about these folding records.

p. 775 A. That is right, yes.

Q. Are the records there for 1938?

A. No.

Q. What are your peak months, madam?

I think March and April, they are two peak months, and May; March, April and May.

Q. Give us your peak months, your peak seasons please?

A. Well, that varies. I would say that those are really our peak seasons. Sometimes it depends on the amount of orders we have and sometimes it happens that January is a peak month.

Q. How about September?

[fol. 5269] A. September generally is not.

Q. How about October?

A. No.

Q. So the only ones you call peak months are what?

A. Oh, August sometimes is a peak month and sometimes December, sometimes not very much, and sometimes January and most generally March, April and May.

Q. Do you have a peak month for the winter season, what you call the winter season?

A. That would be August.

PHONE, VICTOR 9585

PLAINTIFF'S
32

KANSAS CITY JOINT BOARD

LOCALS NO. 114, 115, 118

International Ladies' Garment Workers' Union

AFFILIATED WITH AMERICAN FEDERATION OF LABOR

1022 BALTIMORE AVENUE

KANSAS CITY, MO.

March 9, 1937.

Donnelly Garment Company
1828 Walnut Street
Kansas City, Missouri

Gentlemen:

The Kansas City members of the International Ladies' Garment Workers' Union feel compelled to place before you the following grievances that should be adjusted immediately.

Fifteen members of our Union were discharged by your firm because of their affiliations with our organization. Their case was up before the National Labor Relations Board. During the period the hearings took place the NRA was declared unconstitutional by the Supreme Court of the United States and the Government could proceed no further. The discharged workers have not as yet been returned to work by your firm.

The Dress Industry, in which your firm is engaged, is highly unionized throughout the country. Every producer of dresses is in contractual relations with our Union. The 150,000 workers employed in this industry are enjoying a 5-day, 35-hour working week and a $22.05 per week minimum wage scale for operators and reasonable, fair minimum scales for finishers, pressers, cutters, et cetera. Piece workers, who compose the majority of workers in your shop as well as in the industry, are enjoying the right, through committees selected by them, of having an equal voice with the management in each shop in determining the piece rates for each garment or operation of a garment.

The workers in the industry enjoy the freedom and right of organization. Collective bargaining has been established as a permanent institution. These are the conditions and wage scales in the industry.

In your shop the minimum wage scale for operators is between $12.50 and $15.00 per week

The wage scales for finishers, pressers and cutters are at least 30% lower than those that exist in the industry,

The hours of work in your shop are 40 and more per week

Your workers are denied the right of joining a labor organisation, and those who do, are immediately discharged. Your workers are denied the privileges of genuine collective bargaining. The piece workers in your shop have no voice as to what the piece rates should be as they are set exclusively by representatives of your firm.

The conditions and wages under which your employees are working not only deprives them of the privileges and opportunities enjoyed by the workers in this industry, but endangers their general work standards and wage scales. Your firm has undue and unjustified advantages over your competitors. The Union believes in "Fair Competition", but it does not consider competition fair when it is gained solely at the expense of the workers.

Under your system of production the worker is compelled to invest extraordinary effort, but the reward that follows is very meager in proportion to the efforts invested. Under modern methods of production such treatment of workers is not only wrong from the humane point of view, but also destructive from the economical point of view. In comparison with other shops in the industry which produce the same type of garment the production in your shop is about 30% higher while the earnings of the workers are about 30% lower.

We, therefore, believe that a conference between our Union and your firm, for an adjustment of these grievances, should take place immediately. The Union has named a committee which stands ready to meet a similar committee named by your firm.

May we respectfully request that you advise us before the end of this week as to when and where it would be convenient for you to meet our Conference Committee.

Our aim is industrial peace. We believe in intelligent co-operation between employer and employee. Such cooperation is essential for the welfare of all factors in industry, including the consuming public and community at large. Peace and harmony prevails in the major part of the Dress Industry and we are eager to extend this cooperation to include your firm. Let us join hands to avoid industrial conflict.

Respectfully yours,

Kansas City Joint Board
INTERNATIONAL LADIES' GARMENT WORKERS' UNION

Wave Tobin

By Wave Tobin, Manager

Meyer Perlstein

Approved by: Meyer Perlstein, Regional Director
International Ladies' Garment Workers' Union

MP.

We Do Not Patronize THE "NELLY DON" DRESS

PLAINTIFF'S

5272 NRA-J

3811

TO THE CONSUMING PUBLIC:

The Donnelly Garment Company of Kansas City, Missouri, producers of the "Nelly Don" dress, are on the unfair list of organized labor. Therefore, we appeal to the consuming public to HELP US BY NOT BUYING, AND BY NOT OFFERING FOR SALE "NELLY DON" DRESSES until we establish in the shop of the Donnelly Garment Company the rights and privileges, wage scales, and hours of work that prevail in every shop in the dress industry throughout the country.

The workers of the Donnelly Garment Company are compelled to work long hours while their wage scale is far below that which prevails everywhere else in the dress industry. The speed-up system is such that most of the 1300 workers employed by this firm are in a state of exhaustion and fatigue. Many of them must have constant medical attention because of the nervous strain imposed upon them by this system. Numerous workers suffer complete nervous breakdowns.

On the next page of this booklet we reproduce a copy of a letter which was sent to the Donnelly Garment Company. The firm has not replied to this letter, but has instead, organized a company union which has been named the "Donnelly Garment Worker's Union." The Company has also more firmly entrenched in their shop the Spy System which they established long ago. The Spy System is under the direct supervision of a notorious strike-breaking detective agency, through which every worker is spied upon. Those who dare to complain of conditions, or join a labor organization, or express a favorable opinion of a union, are immediately discharged.

We appeal to you to help us establish in this shop, conditions and wages that befit civilized human beings. WE APPEAL TO YOU NOT TO PURCHASE THE "NELLY DON" DRESS.

Kansas City Joint Board,

INTERNATIONAL LADIES' GARMENT WORKERS' UNION

Executive Office:
1022 Baltimore Avenue,
Kansas City, Missouri

March 9, 1937

Donnelly Garment Company
1828 Walnut Street
Kansas City, Missouri
Gentlemen:

The Kansas City members of the International Ladies' Garment Workers' Union feel compelled to place before you the following grievances that should be adjusted immediately.

Fifteen members of our Union were discharged by your firm because of their affiliations with our organization. Their case was up before the National Labor Relations Board. During the period the hearings took place the NRA was declared unconstitutional by the Supreme Court of the United States and the Government could proceed no further. The discharged workers have not as yet been returned to work by your firm.

The Dress Industry, in which your firm is engaged, is highly unionized throughout the country. Nearly every producer of dresses is in contractual relations with our Union. The 150,000 Union workers employed in this industry are enjoying a 5-day, 35-hour working week and a $22.05 per week minimum wage scale for operators, and reasonable, fair minimum scales for finishers, pressers, cutters, et cetera. Piece workers, who compose the majority of workers in your shop as well as in the industry, are enjoying the right, through committees selected by them, of having an equal voice with the management in each shop in determining the piece rates for each garment or operation on a garment.

The workers in most of the industry enjoy the freedom and rights of organization. Collective bargaining has been established as a permanent institution. These are the conditions and wage scales in the organized industry.

However, in your shop the minimum wage scale for operators is between $12.50 and $15.00 per week.

The wage scales for finishers, pressers and cutters are at least 30 per cent lower than those that exist in the industry.

The hours of work in your shop are 40 and more per week.

Your workers are denied the right of joining a labor organization, and those who do, are immediately discharged. Your workers are denied the privileges of genuine collective bargaining. The piece workers in your shop have no voice as to what the piece rates should be as they are set exclusively by representatives of your firm.

1 31

The conditions and wages under which your employees are working not only deprive them of the privileges and opportunities enjoyed by the workers in this industry, but endanger their general work standards and wage scales. Your firm has undue and unjustified advantages over your competitors. The Union believes in "Fair Competition," but it does not consider competition fair when it is gained solely at the expense of the workers.

Under your system of production, workers are compelled to invest extraordinary effort, but the reward that follows is very meager in proportion to the efforts invested. Under modern methods of production such treatment of workers is not only wrong from the humane point of view, but also destructive from the economical point of view. In comparison with other shops in the industry which produce the same type of garment the production in your shop is about 30 per cent higher while the earnings of the workers are about 30 per cent lower.

We, therefore, believe that a conference between our Union and your firm, for an adjustment of these grievances, should take place immediately. The Union has named a committee which stands ready to meet a similar committee named by your firm.

May we respectfully request that you advise us before the end of this week as to when and where it would be convenient for you to meet our Conference Committee.

Our aim is industrial peace. We believe in intelligent co-operation between employer and employee. Such co-operation is essential for the welfare of all factors in industry, including the consuming public and community at large. Peace and harmony prevail in the major part of the Dress Industry and we are eager to extend this co-operation to include your firm. Let us join hands to avoid industrial conflict.

Respectfully yours,

Kansas City Joint Board
INTERNATIONAL LADIES' GARMENT WORKERS' UNION

By Wave Tobin, Manager

Approved by: Meyer Perlstein, Regional Director,
International Ladies' Garment Workers' Union
MP

We Do Not Patronize THE "NELLY DON" DRESS

5276

1191

TO THE CONSUMING PUBLIC:

The Donnelly Garment Company of Kansas City, Missouri, producer of the "Nelly Don" dresses, does not employ members of the International Ladies' Garment Workers' Union, the only national union whose members work in the manufacture of women's garments.

Since 1934 representatives of the International Ladies' Garment Workers' Union have attempted to induce the officials of the Donnelly Company to meet the representatives of the Union for the purpose of reaching an agreement which would be satisfactory and beneficial to both sides. The Donnelly Company has ignored our requests and refused to even give us a hearing.

In 1934 a number of the operators employed by the Donnelly Company joined the International Ladies' Garment Workers' Union and formed their own local. Many of these girls had been employed by the Donnelly Garment Company for years, but as soon as it became known that they were members of the Union fault was found with their work and they were let out on one trumped-up excuse or another.

In April, 1937, two of the Donnelly operators who announced their membership in the International Union were assaulted at the Donnelly plant and sent home by the officials of that company. They have never been able to secure employment there since.

In March, 1937, representatives of the International Ladies' Garment Workers' Union addressed a letter to the Donnelly Company, complaining, among other things, about the discharge of employes because of their membership in the International Union, and asking the company to appoint a committee to meet with a like committee representing the Union. The request was ignored and shortly thereafter what is known as the Donnelly Workers Company Union was organized. The International Ladies' Garment Workers' Union has filed a complaint, now pending before the National Labor Relations Board, charging that the Donnelly Company was guilty of unfair labor practices in dominating the formation of the company union and all of its activities.

The Donnelly Garment Company claims to be a cotton shop. From its own production records it appears that the average price of all garments manufactured by that company is in excess of thirty-six dollars per dozen. We insist that under this showing the Donnelly Garment Company should be classified as a dress shop, that it should pay the same wage scale to its operators and that they should not be required to work more than thirty-five hours per week. Their failure to observe either the wage or hour scale amounts to unfair competition.

Because of the facts stated above we appeal to the buying public not to purchase "Nelly Don" dresses.

HELP US BY NOT PATRONIZING THE DONNELLY GARMENT COMPANY.

JOINT BOARD KANSAS CITY
Locals Nos. 114, 115, 118, 119, 270, 274
International Ladies' Garment Workers' Union

Executive Offices:
1022 Baltimore Ave.
Kansas City, Mo.



5277

1193

[fol. 5278] Extracts from Testimony of NELL QUINLAN REED Given in the "Judge Miller Case"
(Pages 2502 to 2510)

NELL QUINLAN REED.

p. 2502 Called as a witness on behalf of the Plaintiffs, having been duly sworn, in rebuttal, was examined and testified as follows:

Direct Examination

By Mr. Ingraham:

Q. Just state your name please?
A. Nell Quinlan Reed.
Q. Mrs. Reed, you have been ill during the greater part of this trial?

Objection—immaterial

A. Yes, I have.
Q. You had to undergo an operation before the trial began?

Objection—immaterial

A. I did February 24th, and my recuperation was delayed by an embollism.
Q. And you are still suffering from that operation?

Objection—immaterial

A. Some, yes.
p. 2503 Q. Mrs. Reed, there has been testimony offered in this case that on March 18th, 1937 you made a speech to the employees of the Donnelly Garment Company? A. Yes.
Q. In which you said there would not be any union in the Donnelly plant and that neither Dubinsky nor any other "sky" could come in and tell you how to run your business. Did you make such a statement?
p. 2504 Q. Did you make such a statement?
A. I did not make any such statement.
Q. Were you invited to that meeting by the employees?

Objection—immaterial

A. Yes.

[fol. 5279] p. 2504 Mr. Walsh: I object to that as entirely immaterial.

The Court: Sustained.

Mr. Walsh: I ask the answer be stricken out. The answer was so low I did not hear it at all so I ask it be stricken out.

The Court: Strike it out. I do not see that it is material who invited her there. She said she was there but she did not make that statement.

Q. Mrs. Reed, what, in substance, did you say with reference to the International Union or Dubinsky?

Objection and motion to strike—voluntary answer not responsive, immaterial.

p. 2505 A. At that time, it was about the time that the strikes were going on in Kansas City and there was so much violence—

Mr. Walsh: (interrupting) One minute. I object to that and ask it be stricken out as not being responsive.

The Court: Yes, that part of it.

The Witness: May I say, your Honor, that my employees were very much worried about the stories that were going around that the union people were coming on us and have the same kind of strike that they had—

Objection and motion to strike—voluntary answer not responsive, immaterial.

Q. What did you say, if anything, with reference to the International Union or Dubinsky?

p. 2506 A. I said that whatever they did about joining a union it was not my affair but that I would

not be coerced into forcing them to join the Dubinsky Union and that I would do everything I possibly could to protect them if they attacked us and I said that we were going to have busses, we were trying to make arrangements with the Street Railway Company to bring our people to work in busses and that if anything happened we would call on the police to give them protection and further than that we would, if necessary our attorneys would go into court for protection but I did not say that they could not and should not join any union?

Q. Mrs. Reed did you or any of the executives of the Donnelly Garment Company to your knowledge have anything to do with the employment of Mr. Tyler or Mr. Gossett as attorneys for the Interveners?

A. I absolutely had nothing to do with his employment.

[fol. 5280] p. 2507—Q. Mrs. Reed, did you or any executive of the Donnelly Garment Company have anything to do with the organization of the Donnelly Garment Company Union?

Mr. Walsh: Object to that as argument and being not proper rebuttal.

The Court: Overruled.

A. No.

Q. Have you in any manner undertaken to control the activities of the Donnelly Garment Company Union?

A. I have not.

Q. Have you ever contributed financially to the Donnelly Garment Company Union?

A. No, I have not.

p. 2508 Q. Will you explain, Mrs. Reed, just what occurred prior to the first contract that was entered into between the Donnelly Garment Company and the Donnelly Garment Workers' Union as to negotiations?

p. 2509 A. Well, our attorneys discussed the contract, the making of the contract with the attorney of the union and we had several meetings discussing what would go into the contract and eventually we had a contract that suited both parties. Mr. Tyler insisted upon the minimum of $16.50 and I had been paying a minimum of $15.00. I think that $16.50 for an absolute minimum for beginners and bundle boys and so forth is a little high but that
p. 2510 was the last thing we had to finish up on and so I thought there were not very many getting any lower than that anyhow so I finally agreed to that and we signed the contract.

[fol. 5281] Deposition of WAVE TOBIN, pp. 326-352.

By Mr. Hogsett:

Q. Please state your name, residence and occupation.

A. My name is Wave Tobin; I am 42 years old; I am living at the Aladdin Hotel. I am manager of the Kansas City Joint Board of the International Ladies Garment Workers.

Q. Now, what is the date of your first connection with the International Ladies Garment Workers Union? A. July, 1933.

Q. By whom were you then employed for the Union and in what capacity?

A. I was employed by the St. Louis Joint Board and I worked in the office as a financial secretary.

Q. By what person were you employed?

A. Mr. Ben Gilbert.

Q. What was his position?

A. He was manager of the St. Louis Joint Board.

Q. How long did you continue in that particular position?

A. Until the fall of 1934.

Q. Do you remember the month?

A. No, I don't. I think it was about October, but I am not positive.

Q. Then what change was made in your position?
A. I started working for the Regional Director of this territory.
Q. And by that Regional Director you mean whom? A. Mr. Meyer Perlstein.
Q. And what was his position as Regional Director; what did that mean?
A. It means that he supervises the offices in this territory.
Q. For whom?
A. For the International Ladies Garment Workers.
Q. He is a direct representative of the International Parent Union?
A. I couldn't say how he is classed.
Q. Well, what is your understanding from your years of employment, as to his position?
A. Well my understanding was—

Mr. Frank P. Walsh: That is a conclusion, but we don't care. Yes, let us admit he is a direct representative.

Mr. Hogsett: I understood that was a fact and [fol. 5282] that you would not deny that.

Mr. Frank P. Walsh: Yes, that is what I understand.

Q. When you became manager of the Kansas City Joint Board and up to the present time, by whom has your salary been paid?
A. By the International Office.
Q. Tell the exact manner in which you have received your checks; I suppose they are checks are they? A. Yes.

Objection—immaterial.

Q. Just describe the manner in which your pay checks arrive.
A. They are mailed personally to me.
Q. From New York?

Objection—immaterial.

A. Yes.

Q. Are the checks drawn on a New York bank?

Objection—immaterial.

A. Yes.

Q. In which bank the International has its account? A. Yes.

Objection—immaterial.

Q. And the checks which you receive while manager of the Kansas City Joint Board are checks drawn by the International on its bank account and signed by an officer of the International? A. Yes.

Objection—immaterial.

Q. In point of fact, who most frequently signs your pay checks during your service as Manager of the Kansas City Joint Board?

Objection—immaterial.

A. I think they are signed more often by Frederick Umhey, the General Head.

Q. What person for the International do you have contact with?

A. Mr. Perlstein, Regional Director.

Objection—immaterial.

Q. In what form is your contact had with Mr. Perlstein, and has it been had during the year and a half you have been manager of the Kansas City Joint Board?

Objection—immaterial.

A. Usually by telephone.

Q. Long distance telephone?

Objection—immaterial.

A. Yes.

Q. Or local telephone if you are in the same town?

A. Yes.

Objection—immaterial.

Q. How long has Mr. Dubinsky been the president of the International Union?
A. Well, I am not positive that I could answer that correctly.
Q. Roughly, how long have you known he was President?
A. Since I have come into the organization, in 1933.

[fol. 5283] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. He at all times since then has been President?
A. Yes.
Q. Do you know the residence of these various officers and members of the Executive Committee of the Union? A. No, I don't.
Q. Do you know some of them?
A. Well, I have records of them in the office, but I wouldn't remember them.
Q. Does your memory carry the information?
A. No.
Q. Where does Mr. Dubinsky live?
A. I know he lives in New York City.
Q. Where does Mr. Antonini, Vice President, live?
A. That would be a guess. I presume in New York.
Q. And Mr. Umhey lives where?
A. That would also be a guess. I presume in New York.
Q. Where does Mr. Katovsky live?
A. Mr. Katovsky is the Manager of the Cleveland Joint Board, I believe.
Q. Probably lives in Cleveland you mean?
A. Yes.
Q. Mr. Biotis, where does he live?
A. He is manager of the Chicago Joint Board.
Q. Presumably lives there? A. Yes.
Q. Miss Rose Pesotta, what is her residence?
A. I don't know where she lives.
Q. Mr. Israel Feinberg?

A. He is the Vice President on the West Coast, lives somewhere in California.
Q. Mr. Salvatore Ninfo?
A. I don't know where he lives.
Q. Mr. Elias Resiberg?
A. I don't know his residence.
Q. Mr. Philip Kramer?
A. Mr. Phillip Kramer is the Manager of the Boston Joint Board; I presume he lives in Boston.
Q. Mr. George Rubin?
A. I don't know where Mr. Rubin lives.
Q. Mr. Isidore Nagler?
A. He is the President of the Cloak Joint Board in New York; I presume he lives in New York.
Q. Mr. Joseph Breslaw?
A. He is President of the Dress Joint Board in New York.
Q. Mr. Julius Hockman?
A. That was a mistake. Mr. Hochman is President of the Dress Joint Board. I don't know where Mr. Breslaw lives.
Q. Mr. Bisilio Disti?
A. I don't know Mr. Disti.
Q. Mr. Louis Levy?
A. I don't know his residence.
Q. Mr. Charles Kreindler?
A. I don't know his residence.
Q. Mr. Harry Wander? A. I don't know.
Q. Mr. Max Cohen?
A. I don't know Mr. Cohen's residence.
Q. Mr. Sam Perlmutter?
A. I don't know Mr. Perlmutter.
Q. Mr. Jacob J. Heller?
A. I don't know.
Q. Mr. Charles S. Zimmerman?
A. Mr. Zimmerman is manager of Local 22 in New York, so I presume he lives in New York.
Q. Mr. Meyer Perlstein?
A. Mr. Meyer Perlstein's residence is in New York.
Q. His occupation is Regional Director, but I think once you said Southwest Regional Director. Am I correct about that?

A. We call this territory the Southwest Region.

Q. I may have gathered that somewhere else. I didn't know whether you said that or not. In fact, he is the Southwest Regional Director?

A. They call this territory the Southwest.

[fol. 5284] Q. Now, Mr. Max D. Danish?

A. Mr. Danish is Editor of our paper, "Justice", so I presume he lives in New York.

Objection—immaterial.

Q. How many offices has the International Union, parent union, over the country?

A. I couldn't answer that.

Q. How many have you visited?

A. I have visited the St. Louis, Minneapolis, Alton, Illinois, Kansas City, Dallas, San Antonio, the New York office, of course, Chicago office; I think that is all.

Q. Who prepared the copy for these two advertisements?

A. I don't know.

Objection—immaterial.

Q. Where did you get it to deliver it to the papers? A. It was mailed to me.

Objection—immaterial.

Q. From where?

A. From the New York office.

Objection—immaterial.

Q. So that out of the New York head office of the International Union came advertising copy to be published in the Kansas City papers reciting that the Kansas City office of the International Union was at 1022 Baltimore? Please answer that with "yes" or "no" if you can. A. I have answered it.

Objection—immaterial.

Mr. Frank Walsh: Answer it again. Mr. Hogsett wants you to answer it.

Q. Is that true or not?

Mr. Walsh: Let an admission be made on the record that it is true. I suppose it is. The lady says so, and it appears on there.

Objection—immaterial.

Q. You admit that, don't you?
A. I will admit that.

Objection—immaterial.

Q. Who paid for this advertising?

Objection—immaterial.

A. New York office.
Q. Just describe how, by check I suppose?
A. By check.

Objection—immaterial.

[fol. 5285] Q. Who is the person in charge of that office, the one having most authority in that office? I take it it is you?
A. Myself as manager.
Q. How long have you been the person in charge of the office at 1022 Baltimore Avenue?
A. Since April, 1936.
Q. Ever since you became Manager you have been the person in authority and in charge of that office? A. That is right.
Q. Now, there is some reference in the petition here in the bill in equity to some employees who were sent out by the International over the trade territory of the plaintiff, Donnelly Garment Company, and I think their names are given in the bill, Jane Palmer and other people that you perhaps remember. Now, in what office or out of what office do those six young women work or have they been working? Objection—immaterial
A. They worked—three of them worked out—wait a minute; let me see. Jane Palmer worked for the Kansas City Joint Board. The

other two girls were workers in the shop, and one girl was from Houston, Texas.

Q. I think there were six referred to. Were there in fact six? A. I only know of four.

Objection—immaterial

Q. Now, when were those four or six, as the case may be, persons employed to do this work of traveling over the trade territory and contacting the Donnelly customers; do you remember the date? Objection—immaterial.

A. I don't remember the date; it was the early part of this summer but I don't remember the date.

Q. Could you give the month? A. I don't know whether it was May or June. Objection —immaterial

Q. Of 1937, is that your recollection? A. Yes.

Mr. Frank Walsh: What? Objection—immaterial.

A. I don't remember the date that these girls started to work.

Q. By whom were these persons employed and instructed as to their duties? A. They were employed by Mr. Perlstein, the Southwest Regional Director.

Objection—immaterial

[fol. 5286] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. Now, will you please name the four traveling representatives who did this work of contacting the Donnelly customers?

A. Jane Palmer, Esther Smith, Mary Jane Miller. The other girl's name, I don't think just now.

Q. Are you now an organizer for the International Ladies Garment Workers Union?

A. I am not.

Q. Have you been an organizer for the International during the past year? A. I have not.
Q. When was the last time that you were an organizer for the International Union?
A. Prior to April, 1936.
Q. Have you seen the report of the General Executive Board for 1937 convention?
A. I have.
Q. Now, don't you know that on Page 236 of that report appears this sentence: "Our organizing staff, Mr. Meyer Perlstein, Ben Gilbert, Frank Rother, Doris Prisler, Artie Price, Wave Tobin, Marie Lebson, Jack Spry, Jane Walker Palmer, Ellen Fry, Abraham Berkowitz"—don't you know that, that you are listed in a report by the General Executive Board of the International Union as a part of the organizing staff in Missouri?
A. I did not know that.
Q. All right, now, do you recall whether you remember the page or not—I will give you the page so you can find it later—that on page 91 of that report this appears: "Ably assisting Brother Perlstein in Kansas City is Sister Wave Tobin, former Secretary of St. Louis Joint Board, who has been practically in charge of the organization". Do you remember that?
A. I don't remember the exact wording. I know there was something.
Q. How can you explain that the General Executive Board reports Sister Wave Tobin as practically in charge of organization, when, as you have just testified, you weren't an organizer and hadn't been an organizer for the International Union for a year and a half? Now, can you explain that?
A. Yes, I can explain it.

[fol. 5287] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. I wish you would do so, please. A. The Kansas City Joint Board and the locals of

Kansas City are a part—are members of the International Ladies Garment Workers Union, and part of my duties here as manager of the Union is to organize non-union shops.

Q. Now, how frequently is Mr. Perlstein in the Kansas City office at 1022 Baltimore?

A. Well, his visits here are irregular. Sometimes he will come every two weeks; sometimes it is a month.

Q. Where does he spend his time when in Kansas City, I mean with respect to an office?

A. Well, he stops at the Muehlbach Hotel. He comes in and out of the office.

Q. Does he have a desk there? A. No.

Q. What desk does he use when he is visiting the Kansas City office?

A. He might use any one of them.

Q. He dictates letters from there?

A. At times.

Q. Doesn't the International transact any business from any other office than 1022 Baltimore Avenue? A. No, not that I know of.

Q. Now, I show you a clipping from the Kansas City Journal-Post of March 6, 1937, purporting to report a speech by Mr. Dubinsky at the Municipal Theatre. Will you kindly glance that over just to bring the facts back to your mind. (Witness complies). Do you recall the matters referred to in that item?

A. I recall the meeting and President Dubinsky's speech, yes.

Q. Were you there? A. Yes.

Q. Did he say the things that are reported, attributed to him in this article? Did he say them in substance?

A. In substance, yes.

[fol. 5288] Q. Did you arrange for the reporter to be present at that meeting?

A. We invited them.

Objection—immaterial

Q. Now, when you say "we", do you mean that you did?

A. Yes, as a manager of the Joint Board we arranged the meeting and notified the papers.

Objection—immaterial

Q. And did you yourself do the telephoning to the reporters?

A. I imagine that I did. I usually did.

Objection—immaterial

Q. Now, at whose request or suggestion did you have the reporters present at the meeting?

A. The Kansas City Joint Board, we arranged the meeting.

Objection—immaterial

Q. Did President Dubinsky ask—did you notify the press to be present? A. No.

Objection—immaterial

Q. Did pelstein ask that? A. No, because they took it for granted that the office here would do that.

Objection—immaterial

Q. You were supposed to know that without being told by them?

A. That is right.

Objection—immaterial

Q. Now, I show you the letter which appears to bear your signature, written to the Donnelly Garment Company, of March 9, 1937. Mr. Perlstein and you signed that, I believe. Do you remember the letter, Mrs. Tobin?

A. Yes.

Q. Who dictated the letter? A. Mr. Perlstein.

Q. And where did he dictate it and have it typed?

A. I think that was dictated in the Kansas City office. I know I was present when we talked it over, and I believe that it was in the office.

[fol. 5289] Q. Who suggested the writing of the letter?

A. Well, I don't think it was a suggestion. It was just a part of the plans that had been laid out for the organization of the Donnelly Workers.

Q. And Perlstein dictated the letter and you signed it?

A. I said I was present and that we talked it over, that he did the actual dictating, but that we were both there.

Q. Exactly. A. We talked over the contents of the letter.

Q. It was his dictation? A. Yes.

Q. And you signed it? A. That is right.

Q. And then he wrote on it, "Approved by Meyer Perlstein", is that right?

A. When I say that it was his dictation, I mean that he dictated the letter, but it was not—the letter was discussed, what was put in it was discussed between the two of us and he did the actual dictating.

Q. And then you signed it as the nominal signer and writer of the letter, and he endorsed on it, "Approved by" him. You see it, don't you?

A. I see it.

Q. Now, since he was the man that actually did the dictating, why did he merely appear—ostensibly appear as merely approving it? Why didn't he sign it?

A. The letter was gotten up by both of us. The letter was discussed by both of us. He dictates better than I do; possibly that is why he dictated the letter.

Q. Now, you gave copies of the letter to the newspapers to be published as a news item that same day, did you?

A. I believe that we did, yes.

Objection—immaterial

Q. And at what hour did you type the letter and sign it? A. Oh, I couldn't remember that.

Objection—immaterial

[fol. 5290] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. All right, within how many minutes did you have copies in the hands of the Kansas City Journal-Post and the Kansas City Star or Times? A. I don't remember that.

Q. Well, if was the same day; you know that, don't you?

A. I don't even remember that. It might have been the same day. It might have been the next day. I don't remember.

Q. Well, you sought to give publicity to the letter immediately, didn't you?

A. Not exactly to the letter, to our efforts to organize the Donnelly Workers, yes.

Q. You sought to give publicity to the letter by giving copies and seeking to get the papers to run them as news items, didn't you?

A. It was just a part of the publicity that we wanted.

Q. Did you or did you not seek to get these papers to publish that letter as an advertisement on the day it was written or the day after?

A. I don't remember.

Q. May you have done that?

A. I know that we did try and were successful in getting a 'vertising in the papers.

Q. Later on, yes, but didn't you on that day or the next day try to get it run as an ad?

A. I don't remember.

Q. You hadn't even given the Donnelly Garment Company time to answer the letter when you were endeavoring to get this publicity, had you? A. I don't remember.

Q. You have once or twice said that this letter was a part of a plan and that the obtaining

of publicity was a part of a plan. When did that plan to organize the Donnelly Garment Company workers begin?

A. That I couldn't say.

Q. How long before March 9th, the date of the letter?

A. Well, I would say years before.

[fol. 5291] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. How many years before?

A. Well, since the organization of the dressmakers started in this part of the country and that was in 1933.

Q. The second paragraph of the letter of March 9th speaks of the dress distributing as highly unionized throughout the country, every producer of dresses is in contractual relations with your Union and that the 150,000 workers employed in the industry are enjoying a five day, 35 hour working week and a $22.05 per week minimum wage scale for operators, and reasonable, fair minimum scales for finishers, cutters, etc. What knowledge do you have with respect to those alleged facts?

A. Well I am familiar with the agreements in the silk dress shops in St. Louis. I know that that is the scales that are paid. I am familiar with the agreements in Minneapolis, Minnesota, in the silk dress shops. I know that is what they are paid.

Q. These figures or these alleged facts stated in this letter then apply only to the silk dress shops? A. That is right.

Q. Do you know of any shop in Kansas City where these wages and terms of employment applied at the time you wrote this letter?

A. There is only two small silk dress shops in Kansas City, or was at that time, and they employed very few people and one shop makes a very cheap dress; the other shop we

have an agreement with, and those wages apply in that shop.

Q. What is the name of that?

A. Marlene Dress Company.

Q. Any other shop in Kansas City where these terms, wages and conditions described here in this paragraph (indicating) apply?

A. That is the only silk dress shop in Kansas City.

Q. Do you know what proportion of the Donnelly Garment Company is silk dress and what proportion is some other kind of dress?

A. I don't know the exact proportion, no.

Q. Do you know it roughly? A. No.

Q. What is the scale on cotton goods, the Union scale? A. $13.00.

[fol. 5292] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. Minimum? A. Yes.

Q. How many hours a week? A. Forty.

Q. And how many days in a week?

A. Five days.

Q. What is the Union scale on wool garments?

A. Wool dresses is the same as silk.

Q. Now, you say in this letter further down that in your shop (the Donnelly shop) the minimum wage scale of operators is between $12.50 and $15.00 per week; the wage scales for finishers, pressers and cutters are at least 30% lower than exist in the industry; the hours of work in your shop are 40 and more per week. What knowledge, if any, do you have as to those alleged facts?

A. What the girls that worked in the shop—that work in the shop, tell us.

Q. When did they tell you and who ever told you that?

A. Well, they told me at various times.

Q. Now, I show you a pamphlet on the face of which is written, "We do not patronize the

Nellie Don Dress". On the third page, third and fourth pages, the so called "demand letter" of March 9th—

And on the second page is, "Notice to the Consuming Public". Will you kindly glance at that, Mrs. Tobin? Do you remember the pamphlet? (Witness complies.)

A. Yes, I remember the pamphlet.

Q. Who composed the pamphlet, who got it up?

A. It was by Mr. Perlstein and myself.

Q. Where? A. I think that it was in the Kansas City office.

Q. When? A. I don't remember the date.

Q. How many copies were made?

A. I don't remember that.

Q. What was the manner of distribution?

A. They were mailed and given out by the girls that—

Q. That what? A. That went out on the road.

[fol. 5293] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. Your Union has made contracts, you say, with other garment companies here. Will you give the wage scale and hours of employment, the days of employment per week and any other relevant facts dealing with wages, terms and conditions of employment prescribed in those contracts? I mean by that contracts made by your Union with other garment manufacturers in Kansas City or in this territory, within the last year.

A. We have contracts with cloak manufacturers, cotton dress manufacturers and one firm that makes part cotton and part silk, and with three underwear factories, so different wage scales apply to different shops.

Q. Will you give those as best you can?

A. Well, that is asking me to remember a whole lot.

Q. Well, of course, I can't ask the impossible, Mrs. Tobin, but if you do remember, give me your best recollection.

A. I know the wage scale in the cotton shop is the same as it was set up under the NRA, which is $13.00 a week and 40 hour week. In the cloak shops the minimums are 62¢ an hour and the hours are 35. $13.00 is also the minimum in the cotton shops.

Q. How do you classify the Donnelly Garment Company?

A. As a part cotton and part silk shop.

Q. Do you have these contracts at your office, copies of them? A. Yes.

Q. Will you produce them at the hearing tomorrow and at the hearing on the 15th.

Mr. Frank Walsh: I will produce them. You don't have to ask her about them.

Q. Now, Mrs. Tobin, you have referred to the publication of "Justice". I have here issues of March 1, 1937, March 15, 1937, April 1, 1937, May 1, 1937, June 1, 1937, June 15, 1937, and July 1, 1937. Do you identify all of those as copies of the publication as the official organ of the International Ladies Garment Workers Union? A. Yes.

Q. Now, how wide a circulation does that publication have?

A. It is mailed to each member and it is—

[fol. 5294] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. (Interrupting) That would be 230,000, I think you said a while ago?

A. Approximately. That may not be the exact figures.

Q. Now, there is a regular department there appearing in almost every issue, if not every issue, devoted to the Southwest, activities of the southwest region? A. Yes.

Q. Is that right? A. Yes.

Q. [What] is edited by Mr. Perlstein usually?

A. Yes, sir. It is in the form of a letter from Mr. Perlstein.

Q. For the past year, who has been in charge of attempting to organize the Donnelly Garment Workers in your Union?

A. Kansas City Joint Board, with the aid and assistance of the Regional Director.

Q. Mr. Perlstein. Who had charge of similar activities with respect to the Gernes Garment Company, Gordon Company and the Missouri Garment Company?

A. Kansas City Joint Board.

Q. And Mr. Perlstein?

A. Mr. Perlstein advised them in organization work here in Kansas City.

Q. Now, were the methods used in the attempt to organize and in the organization of the Gernes, Gordon and Missouri companies, the normal, routine, activities used in organization work? A. Yes.

Q. Were those methods the methods that you plan to use in your efforts to organize the Donnelly workers?

A. I don't think I understand what you mean by "methods".

Q. Well, whatever you did in the organization work. I am not familiar with that and you are.

A. Calling on the girls at their homes.

[fol. 5295] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. Well, everything that you did in the attempt to organize and in the organization of the Gernes, the Gordon and the Missouri plants, is it your plan and intention to use the same methods in the attempt to unionize the Donnelly plant?

A. We called on the girls in their homes; we went to the plants and talked to them; we held meetings with them at the office. All those things we intended to do in the organization of the Donnelly plant, yes.

Q. In general, without going into the detail, in general do you plan and did you plan to use the same methods of organization in the attempt to unionize the Donnelly plant as were used and followed in the attempt to organize and in the unionization of the Gernes, Gordon and Missouri plants?

A. The plan of calling on the girls, of meeting them at their place of work, and talking to them, of holding meetings with them is the plan that we used in organizing Missouri, Gernes and Gordon's and we intended to use the same plan in organizing Donnelly workers.

Q. If there are any differences in the plan of campaign used in the unionization of the Gernes, Gordon and Missouri plants and the plan of campaign which you intended and still intend to follow in the attempt to unionize the Donnelly plant, please state what the differences are.

A. Well, in the Donnelly campaign they intended to use more publicity.

Q. That is one difference? A. They wanted to get the message to the people that buy the dresses.

Q. That is one difference. Are there any other differences?

A. None that I know of.

Q. Who had charge of the strike activities in connection with the Gernes, Gordon and Missouri strikes?

A. I had charge of the picket lines.

Q. And what is meant by the picket line?

A. They are the girls that walk up and down in front of the place with banners and girls out in front of the place trying to talk to the girls who want to go in and work.

[fol. 5296] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. Did you have charge of the picket line at each of these strikes, the Gernes, Gordon and Missouri?

A. The Gernes, Gordon and Missouri was one strike.

Q. Well, the different plants? A. Yes.

Q. I am using it in the sense of three different plants. A. Yes.

Q. You had charge of the picket line at each of those three plants? A. Yes.

Q. How many pickets did you have at each plant?

A. They varied. I don't know.

Q. Was there any violence? A. Yes, there was some.

Q. If the Donnelly Garment Company tomorrow were organized and taken over lock, stock and barrel by your Union, what dues would each worker pay? A. The dues of the workers are determined by the workers themselves.

Q. On the average what do they run? A. In Kansas City on the average they run thirty five cents a week.

Q. Thirty five cents a week dues, so each worker would pay $18.20 a year dues, is that right?

A. Is that how much that is? That is right.

Q. And if there are 1300 workers $24,660 a year, wouldn't it, isn't that right? A. Just what do you mean these figures are?

Q. That would be the amount of dues that you would get if the Donnelly plant went over lock, stock and barrel to your organization?

A. Well, I wouldn't know that, because I am not sure there is 1300 workers there.

[fol. 5297] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. I am assuming. A. And I wouldn't be sure what the dues would be. I say the dues in Kansas City are thirty five cents.

Q. Dues are just part of it, aren't they? Aren't there fines and assessments? A. There may be fines, there may be assessments, but—

Q. (Interrupting) How much per member on the average is received from each member in

Kansas City who joins your Union, aside from dues, in the way of fines, assessments and whatever it is that they pay each year?

A. The amount is so very small.

Q. Well, about how much? A. And fines are the exception, certainly not the rule. I don't know.

Q. How much? A. I would say 99 out of 100 members do not pay anything.

Q. What about assessments? A. We have two International assessments.

Q. Within the year you paid an assessment for the Loyalists in Spain, didn't you? A. Oh, no.

Q. Do you deny that? A. I deny we paid an assessment.

Q. What was it? A. It was a voluntary contribution. There is a difference between assessment—

Q. (Interrupting) That was for the so called Loyalists in Spain. How much? A. It was the Spanish Red Cross.

Q. How much did that run? A. In other cities I think you have the figures there; in Kansas City there was none. There was nothing collected from the Kansas City members.

Q. All right. Now, that assessment was how much did you say?

A. I said it was not an assessment.

[fol. 5298] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. What are those assessments, how much per member per year?

A. One of them is one dollar a year and it is a death benefit assessment.

Q. What is the other one? A. And the other is one dollar a year and it is for making contributions to other labor organizations in the work of the labor movement as a whole.

Q. Is any publicity given to the salaries of the officers of the International Union? Do you know what they get? A. No, I don't.

[fol. 5299] p. 407 EFFIE BALL, called as a witness on behalf of the plaintiff, having been first duly sworn, was examined and testified as follows:

Direct Examination.

[Mr.] Mr. Ingraham:

Q. Please state your name? A. Effie Ball.
Q. Where are you employed, Miss Ball?
A. The Donnelly Garment Company.
Q. How long have you been employed at the Donnelly Garment Company?
A. A year, last January.
Q. In 1937 where did you work?
A. At the Missouri Garment Company.
Q. What was your position with that company?
A. Designer.
Q. Do you recall, during the months of March and April, 1937 that there was a strike at the Missouri Garment Company?

Objection is made to all questions and answers following by Mr. Ingraham from pages 407 to 412 inclusive of the Judge Miller record for the reason that said questions and answers are immaterial.

A. Yes, I do.
Q. At the time the strike was called, do you know how many employees of the Missouri Garment Company belonged to the International Ladies Garment Workers Union?
A. I don't know exactly, very few. I would say two or three.
Q. Up to the time of the strike was everything peaceful? A. Yes, sir.
Q. Could the employees go to and from work without any difficulty? A. Yes, sir.

p. 408 Q. Now, will you just tell the court what occurred after the strike was called?

A. The first morning that we came down, there was a crowd in front of the building, we were unable to get in at the front entrance at all. The picketers were out in front. Several who tried to get in then had their clothing torn and did not get in. We went around to the back from there, stayed across the street in a cafe for a while until the trouble was over a bit, and then got in, and after that we always went to the back entrance. For a while, the
[fol. 5300] policemen formed a line on each side of a single door, which was the back entrance. We would try to come from our cars through that line and get in the entrance, but that being so narrow couldn't very many of us get in at a time, so they used the freight elevator, used the same system with police on each side. They would reach over the heads of the policemen, striking us with their purses, pulling our hair, kicking between the policemen's legs and kicking us.

Q. State whether or not at times the union people would break through the police lines?

A. Yes, they would quite often. Then they would just—several of them or one person—would beat them, tear their hair, tear their clothing. I had the collar torn off my coat.

Q. Did you yourself at any time begin or start fighting with these union people?

p. 409 A. No, I did not.

Q. Did you ever see any employees that were trying to get into work or trying to get out to their cars commence the fight with the union people? A. No, I did not?

Q. You did not?

A. No sir.

Q. State whether or not the union workers used profane and vile language towards the employees?

A. They did. Very poor language.

Q. Did you at any time see any police officers knocked down on the ground?

A. Yes, sir, I did.

Q. Who knocked them down?
A. I wouldn't say exactly which side it was, but it was in the scuffle they were knocked down.
Q. Did the people that were working there attack the policemen at any time?
[fol. 5301] A. No.
Q. Did the union people attack the police officers?
A. They would try and pull them away so that they could get to us.
Q. Did you see Wave Tobin at the strike?
A. I did.
Q. Is Wave Tobin in the court room?
A. Yes, she is.
Q. What did Wave Tobin appear to be doing at the strike?
A. Most of the time she stayed across the street, or out close to the curb. Often she would call a group of girls over and talk to them, and they would come back and resume their fight with us.
Q. Where was your office in connection with the rear entrance to the building?
A. Where I worked was directly above the rear entrance. I had two windows in my room, and they were directly above the back entrance of the building.
Q. Did you at times look out the window during the progress of the strike?
A. As soon as we got inside we went to the window to watch the others get in.
Q. Did the union workers shout at you employees in the windows? A. Yes, they did.
Q. Did these union workers at any time make any statements regarding the Donnelly Garment Company?
A. We were told several times this was merely small. As soon as they finished with the smaller factories, they were going down to Donnelly's.
Q. When did you learn the strike was over?

[fol. 5302] A. One morning we came down, there was no picket line. After we got inside, our employer called us together and told us he had signed.

Q. What effect did that have on the employees?

A. Most everyone was very angry.

Q. Did the employer make any statements about
p. 411 the employees being required to join the union?

A. All of the help, except I believe was the office help, and the designers were forced to join the union.

Q. And the employees as you stated resented that? A. Yes they did.

Q. Did you at any time see Wave Tobin strike at employees. A. I did.

Q. Just describe her?

A. One evening, as we were coming out, we came out through the freight elevator, usually about four abreast, and my friends and I happened to be on the outside; as we passed her, she reached out and struck my friend.

Q. You stated you now work at the Donnelly Garment Company? A. Yes, sir.

Q. Will you tell the Court how the wages and working conditions in The Donnelly Garment Company compare with the wages and working conditions at the Missouri Company?

A. The wages and working conditions and general atmosphere are far above any other place I have worked.

Q. After you employees signed up in the union, did you remain in the employ of the company for several months?

A. I did. I left in June.

Q. Was there any change in wages or working conditions after your employer signed up
p. 412 with the union? A. No, sir.

Mr. Ingraham: That is all

Mr. Walh: That is all

[fol. 5303] Cross-Examination.

p. 412 By Mr. Tyler:

Q. Miss Ball, you say your employer, at your plant where you worked before going to Donnelly's, said one morning when the picket line had been called off that he had signed up with the union. Had he ever said anything before as to whether he would sign up with the Union?

Objection—immaterial.

A. No, sir.

Q. He hadn't said anything about that at all?

Objection—immaterial.

A. No, sir.

Q. When did you go to work at the Donnelly Company?

A. A year ago last January.

Q. You were not present at the plant when the Donnelly Garment Workers' Union was organized? A. No, sir.

Q. Are you a member of that union?

A. I am.

Q. Did you join of your own free will?

Objection—immaterial.

A. I did.

Q. You know of anyone in that plant who to your knowledge, ever complained that he or she was forced or any pressure was applied on that person to join that union?

p. 413 A. I have never heard of it.

Q. You have never heard of such an incident?

A. No.

(Witness Excused)

[fol. 5304] p. 414 Raymond Smith called as a witness on behalf of the plaintiff, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Ingraham:

Q. State your name please?
A. Raymond Smith.
Q. Mr. Smith, where are you employed.
A. The Donnelly Garment Company.
Q. How long have you been employed at the Donnelly Garment Company?
A. Approximately ten years.
Q. In what capacity were you employed?
A. Machinist.
Q. Do you recall, in the latter part of March and the first part of April, 1937 that there was a strike at the Gernes Garment Company, the Missouri Garment Company and the Gordon Manufacturing Company?

Objection—immaterial.

A. I do.
Q. Did you at any time during that strike go up near the plants?

Objection—immaterial.

A. Yes, sir.
Q. Will you just tell the Court what you saw?

Objection—immaterial.

A. Well, seen the union people or pickets, and they were on the west side of Walnut between 26th and 27th, they would try to keep the people from coming into the plant. The police would form their lines and as the people would get out of the car and come in, the pickets would rush the lines, the union
p. 415 people would rush the line, break through the lines and tear the people's clothes, hit them with their pocketbooks, pulling their hair, kicking.
Q. Mr. Smith, did you see Wave Tobin up there at the time you were there?

Objection—immaterial.

A. I did.
Q. Where was Miss Tobin?

Objection—immaterial.

A. She was out pretty well past the middle of the street the first time I seen Miss Tobin.
Q. Did you hear Miss Tobin make any remarks with reference to the Donnelly Garment Company?

Objection—immaterial.

A. I did.
[fol. 5305] Q. What was the occasion for the remark?

Objection—immaterial.

A. Well, there was an elderly lady got out of the car, and started through the lines. She was jerked out of the lines and drug down on the sidewalk,—oh, I would say ten or fifteen feet, she was beaten, her hair was pulled, she was pretty roughed up, and somebody out in the crowd of bystanders said, "Isn't it awful, the way they are treating that old lady"? Miss Tobin turned around and said, "You haven't seen anything. Wait until we go down to Donnelly's Garment Company".
Q. Was there agitation among the Donnelly Garment Workers during this strike up at these other plants?

Objection—immaterial.

A. Yes, sir. —
Q. What, if you know, was the cause of that agitation?

Objection—immaterial.

A. Well, they had made their threats that they
p. 416 were coming after us next, and our operators and all of us were pretty upset about it and mad.

Mr. Ingraham: That is all.

Cross-Examination.

By Mr. Tyler:

Q. Mr. Smith, are you a member of the Donnelly Garment Workers Union?

A. I am.

Q. Did anybody exert any pressure on you to join or not to join that union?

Objection—immaterial.

A. They absolutely did not.

Q. Did you ever see an incident in the factory or not to join that union?

A. They absolutely did not.

Q. Did you ever see any incident in the factory or around there indicating that any employee was being bribed or promised something by the employer to join that union?

A. No sir.

Q. Or threatened if they did not join that union?

A. No, sir.

[fol. 5306] Q. Were you present when the Donnelly Garment Workers Union was organized?

A. I was out of town at that time.

Q. Did you ever see any influence, any outside influence except the individuals—well, exerted in connection with that union?

A. There was none.

Redirect Examination.

By Mr. Ingraham:

p. 417 Q. Was somebody with you up at this strike you described?

Objection—immaterial.

A. Yes, sir. Mr. Lyle Jeters.

(Witness Excused)

[fol. 5307] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

p. 418 Lyle Jeters called as a witness on behalf of the plaintiff, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Ingraham:

Q. Just state your name please?
A. Lyle Jeters.
Q. Where are you employed, Mr. Jeters?
A. Donnelly Garment Company.
Q. How long have you been employed at the Donnelly Garment Company?
A. Eleven years.
Q. In what capacity? A. Machinist.
Q. Mr. Jeters, do you recall in the latter part of March and the first part of April, 1937 that there was a strike at the Gernes, Gordon and Missouri Garment plants? A. I do.
Q. Did you during that strike go up near the plants? A. Yes, sir.
Q. Did you go more than once?
A. Three or four mornings.
Q. Will you just state very briefly what you saw?
A. Well, I would get up there around seven thirty or a quarter of eight in the morning, and these workers would come to work in cabs or cars, and they would get out of the cars, there would be a bunch of officers lined up on each side of the doorway. When they would get out of the car, to start into the

p. 419 building the pickets and union help on the

outside would rush in and grab these folks, strike them with pocketbooks, kick them, pull their clothing and hair and maul them up before the officers could get them into the building.

Q. Did you see Wave Tobin there? A. I did.
Q. Is Wave Tobin in the court room?
A. Right there (indicating.)
Q. Did the union workers use profane and vile language toward the employees of the company? A. Yes, sir.

[fol. 5308] Q. Did you hear Wave Tobin make any remarks about the Donnelly Garment Company?

Objection—immaterial.

A. I did.
Q. What was the occasion?

Objection—immaterial.

A. One morning, an elderly lady was starting into the building, before she could get into the building, some of these girls broke through the officers, they grabbed her, drug her down the street and beat her up. Miss Tobin was standing over there close to the east curb. Some of the people standing with me said isn't it awful the way they are beating that lady up. Wave Tobin said "That isn't half what they are going to do when they get down to Donnelly's."

Cross-Examination.

By Mr. Tyler:
Q. Are you a member of the Donnelly Garment Workers Union? A. Yes, sir.
Q. Did you join of your own free will or not?

Objection—immaterial.

A. I did.

Q. Did anybody connected with the management of that company having any right to fire or hire employees ever exert any influence or anything of that kind in connection with membership in that union?

Objection—immaterial.

A. They did not.

Q. Were you present when the union was organized, Mr. Jeters? A. Yes, sir.

Q. Do you remember when it was?

A. April 27th, 1937, I believe.

Q. Where was the meeting held?

A. On the second floor, the Corrigan Building, 1822 Walnut.

Q. The same building the Donnelly Company occupied?

[fol. 5309] A. That is right.

Q. Was or wasn't it a fact that the second floor at that time was leased by the Donnelly Garment Company? A. It was not.

Q. What time was that meeting held?

A. After work.

Q. About what time in the afternoon, do you remember?

A. I would say four forty-five or five o'clock.

Q. Were any officials of the company who had the right to employ or discharge help present at that meeting?

A. I didn't see any of them.

p. 421 Q. Just tell the Court briefly what happened at that meeting?

A. Well, all the employees of the Donnelly Garment Company who were not officials of any kind came down to the second floor.

p. 425 A. Miss Todd was at that meeting. She said she had talked to some lawyers. Under the factory act, the employees of the Donnelly Garment Company had a right to form their own labor organization, so she appointed a committee of five, I believe it was, to leave

the room and go out and appoint seven or eight other officers,—I mean just nominate them—to nominate eight or nine officers to bring the names back of these officers, so the rest of the people, the whole body could vote on it. So the nominating committee went out and brought these names back and voted on
p. 426 them. Each one was voted in one hundred per cent. We got our own lawyers, and Mr. Tyler and others I believe. We have meetings about every month.

Q. Was there or was there not any vote taken about whether or not the employees wanted to form their own labor union?

A. Yes, sir.

Q. What was the result?

A. I think everyone voted to form their own labor union.

Q. Were there or were there not cards passed around for those who cared to join or sign?

A. There were.

[fol. 5310] Q. Were those cards taken up, do you know?

A. Yes, sir.

Q. In whose custody were they placed when they were taken up if you know?

A. After they were collected?

Q. Yes.

A. Miss Rose Todd's, I believe.

(Witness Excused)

[fol. 5311] Ruby Rickett, called as a witness on behalf
p. 440 of the plaintiffs, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Ingraham:

Q. Just state your name please?

A. Ruby Rickett.

Q. Where are you employed, Miss Rickett?

A. The Donnelly Garment Company.
Q. How long have you been employed at the Donnelly Garment Company?
A. Nine years.
Q. In what capacity are you employed, are you an operator? A. An operator.
Q. Have you always been an operator since you have been employed at the Donnelly Garment Company? A. I have.
Q. Miss Rickett, I am going to ask you if you have ever known of any kind of a system employed by the Donnelly Garment Company that would require the girls to speed up in their work to keep up with other employees?

Objection—immaterial.

A. No.
Q. Have you ever known of any spy system?

Objection—immaterial.

A. No.
Q. Have you ever known of any caste system?

Objection—immaterial.

A. No.
p. 441 Q. Do all the employees come in the same entrance?

Objection—immaterial.

A. They do.
Q. And that entrance is used by officers and executives of the company?

Objection—immaterial.

A. Yes.
Q. Were the elevators used by officers, executives and employees?

Objection—immaterial.

A. Yes, sir.

Q. Miss Rickett, would you mind stating what your earnings were for the last week that you have been paid for?

Objection—immaterial.

A. This last week?

Q. Yes.

Objection—immaterial.

[fol. 5312] A. $52.95.

Q. Just repeat that please?

Objection—immaterial.

A. $52.95.

Q. I will hand you Exhibit 30 and ask you if you signed that document? A. I did.

Q. Did you sign that voluntarily?

A. Absolutely.

Q. Who asked you to sign it.

A. Inez Warren.

Q. What did she say to you if you recall?

A. She said if you want to sign it, sign it.

Q. I will read the heading of this document: "We, the undersigned, as members of the Donnelly Garment Company, wish to make it known we are positively happy and contended with the positions we hold with this organization and refuse to acknowledge any union labor organization. We are thankful for the real humanitarian interest extended by our employer, Mrs. Reed". When that document

p. 442 — was passed around the factory, did you see any officer or executive ask any of the employees to sign it? A. No.

Q. Did you see any employees object to signing it at all? A. No, I didn't.

Q. Does that explain your feeling toward the company? A. Absolutely.

Q. Does it express your feelings toward any outside labor organization?

A. What do you mean?
Q. You state here "We refuse to acknowledge any union labor organization".
[fol. 5313] A. Absolutely.
Q. During the time that you worked for the Donnelly Garment Company, have you been treated fairly?

Objection—immaterial.

A. Sure have.
Q. Will you state if you can recall any privileges which the company has extended to its employees—to shorten this—I will ask you if the company has provided for hospitalization?

Objection—immaterial.

A. Hospitalization, recreation room, everything is very sanitary.
Q. Has the company provided for group insurance?

Objection—immaterial.

A. Yes.
Q. Vacations with pay?

Objection—immaterial.

A. Yes.
Q. How much of a vacation do you get with pay?

Objection—immaterial.

A. Two weeks.
p. 443 Q. Does the company provide maids and janitors to keep the floors in sanitary condition?

Objection—immaterial.

A. Yes.

Q. Do you have plenty of light in the floor that you work upon?

Objection—immaterial.

A. Yes.

Cross-Examination.

By Mr. Tyler:

Q. Miss Rickett, you remember the organization of the Donnelly Garment Workers Union?

A. I wasn't there at the time it was organized.

Q. I am asking you if you remember of it?

A. Oh, yes.

Q. Did anyone exert any pressure, or inducement, or threats in connection with your joining that union, or did you join of your own free will?

Objection—immaterial.

[fol. 5314] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

A. My own free will.

Q. Do you know of anyone down there who ever claimed that he or she was the subject of any influence or pressure, or promises, or threats in connection with joining that union?

A. I do not.

p. 450 Redirect Examination.

By Mr. Ingraham:

Q. Miss Rickett, did the company announce that there was an emergency in regard to production and ask whether or not the employees wanted to work additional hours above forty?

A. Yes.

Q. Did the employees ask to be allowed to work additional time above forty hours?

A. Yes, we voted on it.

Q. You voted in favor of it?

A. In favor of it.

Q. Are you paid time and a half for all the time above forty hours?

A. Yes.

Q. In regard to the speed of your machine, is there a pedal that governs the speed, and the employee can operate the machine faster by pushing down farther on the pedal?

A. Yes.

p. 454 Q. And the operator controls the speed?

A. Yes.

p. 457 Q. You mean, do you not Miss Rickett, you got a guarantee of thirty five cents in addition to your guarantee of sixty-four cents an hour?

A. That is the way we are paid. Sixty-four cents
p. 455 is my guarantee. We get overtime, that is half of that, time and a half. If I made sixty four cents an hour, I would get ninety seven cents, something like that, see, for that each hour.

[fol. 5315] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

Q. If you sew a number of pieces, whatever you are doing at that time, on the piece work price, you would earn in excess of the sixty-four cents? Do you make more than the sixty four cents?

A. If we make more, we get it.

Q. Yes, that is it.

A. Sure, we get it.

Q. And when it comes to figuring time and a half, is it not a fact that the amount you have made for an hour, is then increased by one half, and that is what is called time and a half?

A. I don't know just how that is fixed.

Q. If you show a sufficient number of piece work, so that you would make eighty cents an hour, and you were doing that all over time would you receive in addition to the eighty cents, forty cents which would be one half of what

you earned for the hour under your straight pay? A. Yes.

[fol. 5316] Objection is made to all the questions and answers and all the exhibits identified by George Cauthen—immaterial.

p. 463 GEORGE CAUTHEN called as a witness on behalf of the plaintiffs, being first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Depping:

Q. What is your name please?
A. George Cauthen.
Q. Where do you live, Mr. Cauthen?
A. Oklahoma City.
Q. What are you doing there at the present time?
A. I am newspaper photographer, on the Daily Oklahoman.
Q. Have you been a newspaper photographer in Kansas City?
A. Yes, sir.
Q. With what paper? A. The Journal-Post.
Q. From when to when were you with the Journal-Post?
A. I was with the Journal-Post for thirteen years, 1925 to 1937.
Q. After you left the Journal-Post where did you go?
A. I was employed by the police department. A police photographer.
Q. While you were employed by the Journal-Post, did you in March, 1937 take some pictures for the Journal-Post of some activities down around the Gernes, Gordon, Missouri Garment Companies' plants?
A. I did, yes.

(Photographs marked Plaintiffs' Exhibits 59 to 76, inclusive, for identification).

p. 464 Mr. Depping: I will hand you Exhibits 59 to 76 inclusive, and ask you to state what they are. I will state for the record, these are pictures contained in Volume 1 of the transcript in the District Court of the United States for the Western Division of the Western District of Missouri, volume is entitled, "Statement of evidence in conformity with Equity Rule 75." These are pictures your Honor, produced at the three-judge hearing.

[fol. 5317] Q. Will you state whether or not those are pictures you took in March, 1937 at the place before mentioned? A. Yes, sir.

Q. Just look at each picture.

Mr. Depping: The exhibits are 59 to 76 inclusive.

Q. I now hand you the exhibits No. 59 to 76 inclusive and ask you whether or not these are photographs you took during the month of March, 1937 in the vicinity of the Gordon Brothers, Gernes and Missouri Garment Company of activities there during the so-called strike of the International Ladies' Garment Workers' Union?

A. Yes. Do you want me to identify them now? They are the pictures I made.

Q. They are the pictures. We now offer the pictures in evidence.

p. 465 Q. Referring to Exhibit 59.

A. No. 59 was made at the rear of the Gordon Brothers Garment Company up there.

Q. When?

A. Made it March, 1937. That is taken during the month of March, 1937, shows clashes with police and hair pulling.

Q. I refer to Exhibit No. 60.

A. No. 60 shows clashes with the police.

Q. Where was that taken?

A. Made at the rear of Gordon Brothers.

Q. Let me ask you this—were all these pictures taken during the month of March?

A. Yes.
Q. Go ahead and describe them.
A. No. 60 shows pictures of the police clashing.

[fol. 5318] The Court: Where were they made?
A. At the rear of Gordon Brothers.
A. Most of them were. I will designate that as I go along. Picture No. 61 shows police putting a woman in the patrol wagon. That was made in the rear of the Gordon Brothers Garment Company in March. Another picture No. 62 shows Miss Tobin and a group of workers.

p. 466 Q. Do you know whether they were workers—you don't know who they were?
A. I don't know who the were. I couldn't say they were workers, but anyway its the picture of Miss Tobin made in the rear of Gordon Brothers Garment Company.
Q. Are there other people on the picture?
A. There are other people, women and men in it, yes, sir. No. 63 picture shows police and women clashing, made in the rear of Gordon Brothers Garment Company in March, 1937. Picture No. 64 made in the rear of Gordon Brothers Garment Company shows two women and a policeman on the ground. This was also made in March, 1937.
Q. Where was it made?
A. In the rear of the Gordon Brothers Garment Company.
Q. Is the rear, the place where the people were trying to enter to go to work?
A. That is true. No. 65 shows a policeman and a woman, this woman is evidently being helped out of the car or put into a taxi cab. I can't quite get it. I made the picture. It was also made in the rear of Gordon Brothers Garment Company in March, 1937.
Q. No. 66.
A. No. 66 shows a group of people, workers, in front of the building, that is.
Q. Where?
A. That is on the—that would be the McGee Street side, I believe. Yes, the McGee Street

side of the Gordon Brothers Garment Company. This was also made in March, 1937.

p. 467 Q. What was it?

[fol. 5319] A. This was also made in March, 1937, a picture showing the group.

• • •

A. Yes, sir, the crowd. No. 67—four or five women asleep on cots in the lobby of the building, the Gordon Brothers Garment Company. This was made in March, 1937; and No. 68—a group of women sitting in the lobby of the Gordon Brothers Garment Company building; No. 69—a group of women sitting in front of the door inside the lobby of the Gordon Brothers Garment Company. This was also made in March, 1937. No. 70, a group of people in front of Gordon Brothers Garment Company building on Grand Avenue. That is No. 70. That was made in March, 1937.

No. 71—officers and police officers restraining three or four women in this picture. That is No. 71. That was made in the rear of the Gordon Brothers Garment plant, and was also made in March, 1937.

No. 72—a woman being put in the patrol wagon by a policeman. That was made in the rear of Gordon Brothers Garment Company in March, 1937. Women and Police clashing. That is No. 73, made in the rear of Gordon Brothers Garment Company in March, 1937.

No. 74, a woman pulling another girl's hair. That was also made in March, 1937 in front

p. 468 of the Gordon Brothers Garment Company;

No. 75, a group of women made in front of the Gordon Brothers—no, this was made out in front of the Gordon Brothers Garment Company. That is No. 75.

Q. McGee Street?

A. Yes, sir. Grand Avenue that would be.

No. 76, a picture showing two officers holding a woman, who is pulling another girl's hair. There are two women in the picture. That was made in the rear of Gordon Brothers Garment Company also in March, 1937.

Mr. Depping: We now offer in evidence Exhibits 59 to 76 inclusive. (Exhibits 59 to 76 inclusive, are received in evidence and made a part of the record.)

Q. Now, Mr. Cauthen, in addition to these pictures you took, did you see other acts of violence in March, 1937?

A. I saw hair pulling, and frequent clashes with the police.

Q. Did you see police officers down on the ground?

A. Yes, sir, I did.

Plaintiffs' Exhibit 59. 1241



5320



Plaintiffs' Exhibit 61.





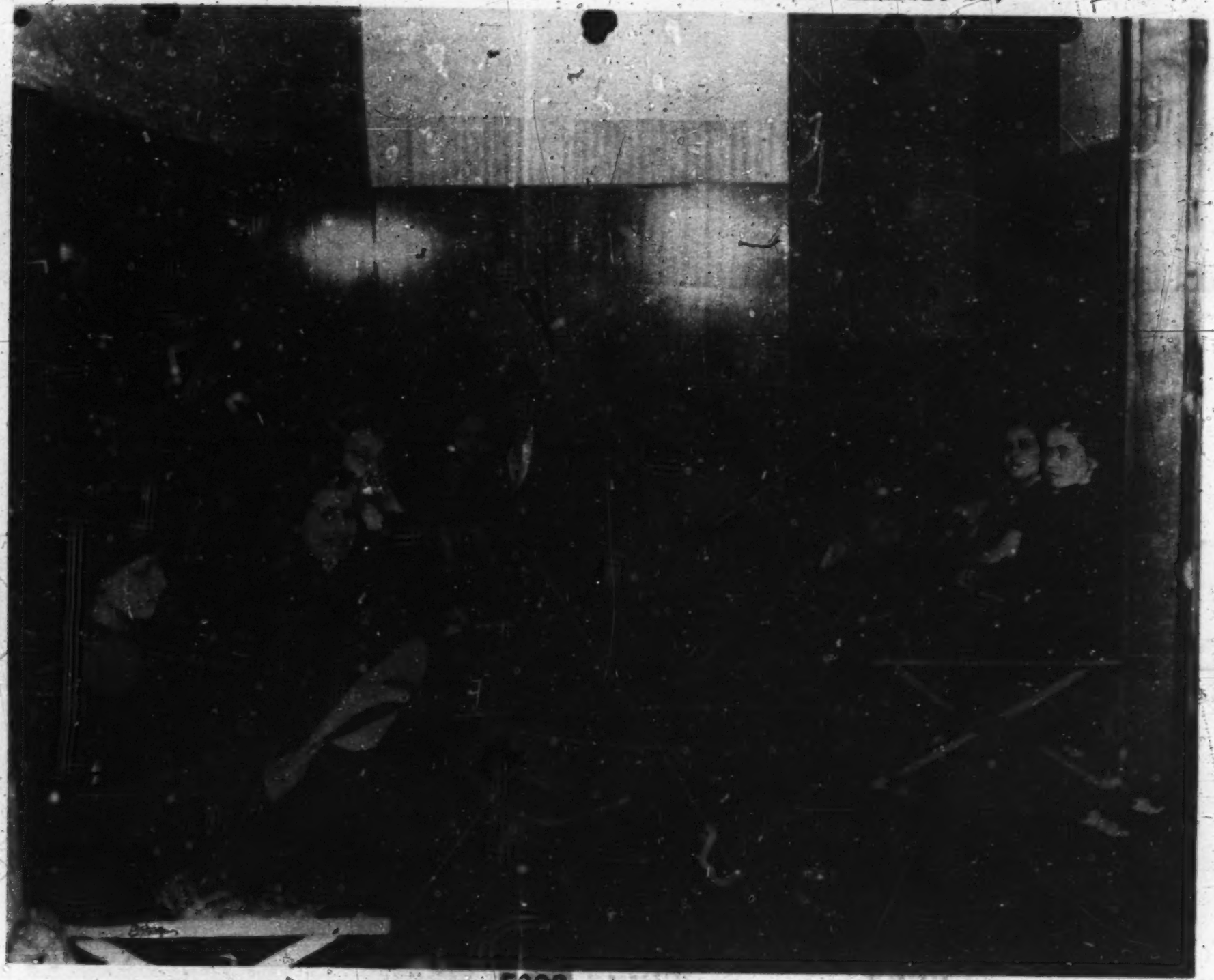
Plaintiffs' Exhibit 63.



Plaintiffs' Exhibit 64.



Plaintiffs' Exhibit 65, 1253



5326

Plaintiffs' Exhibit 66.



5327


MISSOURI
306-562



Plaintiffs' Exhibit 69.



5330

Plaintiffs' Exhibit 70.



Plaintiffs' Exhibit 71.



5332

Plaintiffs' Exhibit 72.



5333

Plaintiffs' Exhibit 73.

1269



5334

Plaintiffs' Exhibit 74.



Plaintiffs' Exhibit 75.



Plaintiffs' Exhibit 76.



5337

[fol. 5338] Objection is made to all questions and answers contained on this and the following 10 pages to and including the following: "Q. You are about two feet from him, aren't you, or three or four, we will say? A. Some space," for the reason that said questions and answers are immaterial.

Cross Examination of Ellen Fry.

By Mr. Hogsett:

Q. Miss Fry, all of the complaints that you have detailed in your direct examination took place as far back as July, 1934 and prior to that, didn't they?

A. It started from July, yes—from the time I was laid off, July 24—from July, 1931.

Q. I didn't hear you?

A. From July 1931 to 1934.

Q. And everything you said took place within that interval? A. Yes.

Q. Long prior to March 9, 1937?

A. I was only stating from July, 1931 to 1934.

Q. Now, you made an affidavit, did you not, in this case on the 31st day of August, 1937 for use on the Motion to Quash Service. Do you remember that affidavit that you made for Mr. Walsh? A. Yes, sir.

Q. In that affidavit you said you were employed as an organizer for the International Ladies' Garment Workers' Union, is that right?

A. Yes, sir.

Q. When did you go to work as an organizer?

A. I called on some girls—

Q. (Interrupting) The date, please, is all I am asking you? A. What?

Q. When did you go to work as an organizer for the International Ladies' Garment Workers' Union? A. I don't recall.

Q. You mean you cannot even approximate it?

A. I don't recall the [dated] I went to work, no, sir.

Q. Well, it was as far back as 1933, was it?

A. No, sir.

Q. When did you begin to draw a salary as an organizer, a paid organizer?

A. Well, I could not tell you just exactly when.

[fol. 5339] Q. I do not mean to pin you to any exact time but approximately when did you begin to draw a salary as an organizer from the International, the month or the year or even the decade, if you can give it?

A. Well, let me see if I can recall; I believe it was in January, 1937.

Q. Well, in your affidavit just referred to, you say that you were employed in August, 1936?

A. Maybe it was 1936.

Q. Yes, that is what you said then but in your N. R. A. testimony which was delivered on February 26, 1935, apparently from the transcript you said at that time you were an organizer? A. Not a paid organizer.

Q. I will read you what you said under examination by Mr. Rucker: (Reading) "Q. What is the name of the union by which you are employed? A. The Ladies' International Garment Workers' Union. Q. And where are its offices? A. 813 Walnut. Q. In what capacity are you employed? A. I have been going out calling on girls. Q. Have you any title? A. Organizing. Q. [Your] are an organizer? A. Yes." You testified that way? A. Yes; not a paid organizer.

Q. All right; you were, however, an organizer?

A. I was doing organization work and I told them that I was an organizer; not a paid organizer.

Q. You get your expenses, of course?

A. Expenses.

Q. When did you become a paid, salaried organizer?

A. Well, I was thinking that it was in January and I could be wrong of 1936 and 1937; I am not positive of the dates.

Q. Which is your best judgment of the time; just give us that and I will pass on?

A. I would say 1936.

Q. Now, you worked with Wave Tobin as a paid organizer in unionizing various garment shops in Kansas City including the Missouri, Gernes, the Gordon Manufacturing Company and Stern-Slegman-Prins Coat Manufacturing Company, didn't you?

A. Yes, sir.

Q. So you were present at the Gernes, Gordon and Missouri strikes, if you want to call it a strike, weren't you? A. Yes, sir.

[fol. 5340] Q. Just what did you do there?

A. I just stood and looked at the girls and the policemen.

Q. Did you do anything else? A. No.

Q. What were the girls and the policemen doing?

A. Well, all I seen them doing they was going and coming back and forwards to work and there was a scuffle there a few times, that the girls going in would start.

Q. What were you paid for the work you were doing as a paid organizer at the time of the Gernes-Gordon-Missouri strike—I will use that word?

A. I was paid to go out calling on girls.

Q. How much were you paid as an organizer, what was your salary? A. Twenty-five.

Q. What? A. A month.

Q. A month? A. A. week.

Q. Which was it? A. Week.

Q. You are sure of that? A. Yes, sir.

Q. Did you get expenses in addition to that?

A. No, sir.

Q. Just twenty-five a week which would be a little over $100.00 a month.

A. Yes, that's right.

Q. Now, all you did at this Gernes-Gordon and Missouri riot or trouble or whatever there was there was just stand and look, is that right?

A. Well, I was not there all the time; I was out calling on girls part of the time.

Q. How much of the time were you present at that strike? A. Well, I could not say.

[fol. 5341] Q. Give us an approximation, if you please?

A. You mean during the entire time.

Q. No, I understand, you were just there when they were going in and coming out as I understand. Did you see these workers, these girls just trying to go to work with bolts of any kind of metal in their hands [assulting] these union girls.

A. All I [was] was some scuffling.

Q. Did you see any of the girls trying to get in to go to work with razor blades fastened in their shoes, kicking the union girls with them?

A. I said I only saw scuffling.

Q. You now say you were just there watching. When you made this affidavit did you say this "In all of the above named shops"—meaning these that [—] name, those four Gordon, Gernes, Missouri and Stern-Slegman-Prins—"strikes were called by the Kansas City Joint Board and all of the establishments were picketed. The picketing and other activities in connection with said strikes were under the direction and supervision of Wave Tobin and I did such work as I was directed to do by Wave Tobin." You said that, didn't you?

A. The work that I did was calling on girls.

Q. I have heard you say that now, but here you were talking about strikes and doing such work as you were directed to do by Wave Tobin; that is what you said then wasn't it?

A. I don't recall saying that.

Q. Now, you were one of the persons against whom the Gernes, Gordon and Missouri Companies got an injunction because of your acts of violence in this strike, weren't you?

A. No, sir.

Q. While you were there just watching, did you see the [policement] lined up in two lines so that the employees desiring to work would

have protection as they would run from the cab that brought them to the door of the building? Did you see that happen?

A. I said I saw some scuffling there [amongst] them.

Q. I did not [seen] any of them running. I saw some of the girls walking between the [policemens] to the door.

Q. Tell us if you know why the police found it necessary to form two lines for the protection of the workers?

A. There was a group of [policemens] on each side of the door talking with the girls and they would go through the line and as they—and also talking to the union girls.

Q. Is that all they were doing, just talking?

A. I never did see them, as you say, with razor blades in their feet.

Q. I didn't ask you that this time. I did a while ago. Is that all the policemen did, just talk?

A. No, as I say there was some scuffling and pushing [amoung] them; maybe the girls as
[fol. 5342] they came through the lines would push one of these union girls or push a policeman against the union girls and that would start a scuffle.

Q. That is the girls you think that started the pushing were those that were trying to go to work, that is what you think?

A. That is what I saw.

Q. That is the way you saw it? A. Yes, sir.

Q. And the policemen were there to keep the girls, trying to go to work, from injuring the union girls; is that what you really mean to say? A. How is that?

Q. Do you really mean to tell this Court that the police were there to protect these union girls against these girls that were trying to get into that building to work? Is that what you mean?

A. I don't get what you are driving at. I told you that the girls going to work would come into work and walk through the line that the

policemen made, had one on each side and a lot of them. The time I saw them they would start pushing these union girls when the union girls would try to talk to them and the police—they would get into the scuffle.

Q. That is all you saw.

A. That is all I saw.

Q. Did you, by the way, see or were you a party to a sit-down group that took possession of the door way and lobby of this building for sixty hours? A. I was there.

Q. You were there? A. Yes.

Q. Were you among those present in the sit-down group? A. Yes.

Q. Who brought the cots in for you to sleep on at nights? A. I wasn't there that night.

Q. That night: it was several nights, sixty hours?

A. I wasn't in there, I didn't see that.

Q. Who brought the cots whether you were there or not?

A. I couldn't tell you, I didn't know.

[fol. 5343] Q. You and the others of this union absolutely took possession of that building, the entrance to that building so that nobody could get in or out except by walking over you, that is true, isn't it?

A. The girls took possession of the building.

Q. Well, you were one of them?

A. I was only there two hours.

Q. But whether you were there two hours or the sixty hours, the union girls took possession of that lobby so that people could get neither in nor out without walking over them?

A. That is the union girls?

Q. Will you answer that yes or no?

A. The union girls were inside the lobby.

Q. I am going to get an answer if I can with all respect to you. Did the union girls take possession of that lobby so that people trying to get in or out during sixty hours had to walk over these girls? Yes or no to that?

A. The union girls went in the lobby of the building.
Q. Would you mind answering the question?
A. I don't—well, they were in the people.

The Court: No. Do you understand that question?

The Witness: I don't know what he means by possession.

Q. Oh you don't understand that. I will use a different word, I will use a less complicated word. Did the union girls move into that lobby and occupy the space so full for sixty hours that people desiring to get in or out had to walk over them? A. Yes, sir.
Q. You understood that better than the word "possession"? A. I didn't understand.

Cross Examination. (Resumed)

By Mr. Hogsett:

Q. Miss Fry, you spoke of an incident when Miss Rose Todd was timing an operation and you complained to her about the way she did it; do you recall that circumstance?
A. Yes, sir.
Q. I don't remember when it was that that incident occurred. When was it?
A. That was in the spring of 1934.
Q. Do you remember the month? A. No.
[fol. 5344] Q. Do you remember the month? A. No.
Q. How many things did you complain about in direct testimony, do you recall?
A. You mean to go over each one of them again?
Q. No, how many? I lost count and I wanted to know how many you complained of, was it six, ten, fifteen, twenty?
A. Well, I would have to go over the testimony to tell.
Q. I don't care to have you do that, if you don't remember. I [thoughts] perhaps you could. Was there anything at all in the wages, hours, or working conditions at the Donnelly plant which met with your approval?

A. We had good work.
Q. Anything else?
A. And we had, after the forty hour week came in under the NRA, there were not such long hours.
Q. Anything else?
A. You say before the NRA.
Q. Any time at all; was there [every] anything that the Donnelly Company did at all during your three years of employment which really met with your approval?
A. Yes; they were very nice to me until they found out I joined the union.
Q. That is three. Anything else?
A. That is all I can recall at present.
Q. Those are all the things that you can recall that really met with your approval; is that right? A. I believe so.
Q. Now, did you know or don't you know that you were reported by Mrs. White—who was Mrs. White, by the way? A. My instructor.
Q. Reported by Mrs. White as a chronic complainer? A. No, I didn't.
Q. You didn't know that? A. No, sir.
[fol. 5345] Q. Well, were you a chronic complainer?
A. I would not say I was.
Q. But in the three years that you worked there you only found three things which really met with your approval, didn't you?
A. That is about all I could recall.
Q. I will not wait for you to spend any more time on that. As a matter of fact, you were employed seven times in the three years, in the period that you worked there and you were laid off on four occasions for inefficiency, weren't you? A. No, sir.
Q. And weren't you taken back after each of those times on condition that you would improve your work? A. No, sir.
Q. You say that didn't happen? A. No, sir.
Q. Now, you were laid off the last time in July, 1934 along with 165 other employees as a part of a general reduction in the force?

A. When I was laid off I was taking my vacation, the whole section took their [facation] and at the end of the two weeks we was told then to report back to work.

Q. Well, do you recall that you testified at the NRA hearing just as I have stated here, that you were laid off July, 1934 along with 165 other people and that they were reducing the force?

A. I recall of reading that and saying that we were laid off in July.

Q. But you also said the rest that I asked you, did you not?

A. And there were others laid off too.

Q. Yes, I know but as a part of a general reduction of the force due to bad business or what not; you know that, don't you?

A. There were some laid off.

Q. Well, 165 were laid off, weren't they?

A. I didn't count them.

Q. Now, you spoke in direct examination of the death of a person whose first name was Lottie and you gave the impression that she died from overwork; that was your purpose in narrating that? A. No.

[fol. 5346] Q. Well, now, you as a matter of fact know, don't you, that the item that you read in the paper recording her death recited that she had burned to death accidentally? You know that perfectly well, don't you?

A. I don't recall just exactly the item in the paper, but as I said that we had talked about her condition and she said that the work was killing her, that she had not made her quota for five weeks and this was her last week and I missed her the next morning and it was in the night's paper that I noticed her death.

Q. And you noticed her death was from an accidental burning, didn't you? A. No.

Q. Why you know perfectly well that that item recorded her burning to death, don't you?

A. No.

Q. Don't you know that?

A. I said I [din't] recall that she died from that burn, as you say.

Q. What burn? A. The burn you spoke about.

Q. Did you happen to know that that lady, Lottie Conroy's daughter, Rosemary Conroy is now working for the Donnelly Garment Company? A. No.

Q. You didn't know that? A. No, sir.

Q. Did you say this morning that you were or were not present when the injunction order was read at the Gernes, Gordon and Missouri riot? A. I was there that morning.

Q. You were there that morning?

A. Yes, sir.

Q. Now, what did you say on that subject this morning, didn't you deny that?

A. No, you asked me if I was served with an injunction.

Q. I also asked you that, yes, but I asked if you were present and [din't] you deny it?

A. In the court room. I understood you to say in the court room.

Q. No, Madam, let us not be confused or please don't confuse me. I asked you this morning if you were present when the sheriff read the

[fol. 5347] injunction to the rioters at the Gernes door and didn't you deny it?

A. I didn't understand you.

Q. Well, did you deny it?

A. I said I had not understood it that way.

Q. As a matter of fact, you were present as shown by this picture were you not? Aren't you in the picture? Wait, I will identify it if I can. It is Exhibit 62. Do [your] see yourself in that picture as the sheriff was reading the process? A. Yes.

Q. You are about two feet from him, aren't you, or three or four, we will say?

A. Some space.

Further Cross Examination.

By Mr. Tyler:

Q. Miss Fry, what was the last time you were in the Donnelly plant?

A. The date I could not give you but it was—

Q. (Interrupting) Could you give me the year?

A. The year or the date I could not give to you, but it was two weeks, about two weeks after we went back after our vacation. You see, the two weeks vacation came and we went back for our jobs as it was customary to do.

Q. What year would that be?

A. That was in 1934.

Q. Now you spoke in your direct testimony of working on Sundays and other times outside of regular working hours. Were you given your choice as to whether you would work at those [time] or were you forced to work at these times?

A. They told me to come in in the morning.

Q. Well, you mean they ordered you to work without giving you any choice about whether you could or would work or not?

A. Well, now, may I explain in my way?

Q. Answer it, then explain.

A. They told me they were behind in this piping and unless I could come in on Sunday and catch up, why someone else would have to take the machine.

Q. Take the machine for that day or permanently? A. Permanently.

[fol. 5348] Q. Who told you that?

A. My instructor then was Pearl; I don't recall her last name.

Q. What was the rest of her name? Do you remember the rest of her name?

A. No, I don't.

Q. Was that the customary way with you, to tell you that you must come in and work on Sundays?

A. I only recall of working three Sundays then and then two other times, just part of the Sunday.

Q. Was that the customary way that you were told that you would lose your job if you did not work Sunday?

A. They just told me that once and afterwards I never said anything because I was afraid I would lose my machine.

Q. Were you given your choice at any time about whether you would work Sundays or not?

A. You mean asked me whether I would prefer staying home or working?

Q. Yes, given your choice? A. No.

Q. Or tell you you could work or not as you pleased? A. No.

Q. You were never given that opportunity?

A. No sir.

Q. As a matter of fact, did you have any desire to make the extra money you could make by working over time or not?

A. I didn't understand your question.

Q. Did you have any desire to make the extra money you could make by working over time?

A. Well, we—

Q. (Interrupting) You, personally?

A. Me? Why, I—of course, in working over time we would make more money and in that way we would have more money to spend.

Q. And did you desire to make that extra money? A. Yes.

Q. And you preferred to make that extra money rather than not to work, or not?

[fol. 5349] A. I would rather not have to work such long hours.

Q. I am talking about these Sundays, the times you did work. Did you prefer to make the extra money or did you prefer not to work?

A. No, sir.

Q. Now, at the time that you checked Miss Todd as she was timing a garment, what was your reason for checking her?

A. I wanted to find out how long she timed us because I saw her working that clock up and down and I knew how long it took her to make the bundle and I knew how long it would take me to make the bundle working as as hard as we could work.

Q. What was your reason for doing it? Were you planning on making a complaint or had somebody suggested that you time her or what was your reason?

A. No, sir; I wanted a raise on that work so we could make our quota.

Q. Did anybody else time her that you know of?

A. No.

Q. Recalling your attention to the incidents at the Gordon, Gernes and Missouri strikes, the girls that came to go to work there generally came one or two at a time, didn't they?

A. Yes, sir

Objection is made to all questions and answers on the remainder of this page because the questions and answers are immaterial.

Q. And the union girls had a good sized crowd down there, didn't they?

A. There was quite a few of them there.

Q. About how many?

A. I never counted them; there was quite a few.

Q. Were the girls who came to work start, what you call the scuffle?

A. No, some—they would talk to them, they would off and talk to them and as you say I said that some of them went in peacefully and did not offer to scuffle with the girls, push them around.

Q. Do you remember whether you said this morning that the girls who came to work started the trouble? Did you say that or didn't you?

A. I said there was some trouble out there, some scuffling.

Q. Do you remember whether you said that the girls who came to work started that trouble?

A. I said they were scuffling; I said this was the girls out there would come to work and the other girls would talk to them and there was some scuffling went on there.

Q. Let us try it once more. Do you remember whether you said this morning that the girls who came to work would start the trouble?

[fol. 5350] Objection is made to all questions and answers on this page because the questions and answers are immaterial.

A. Yes, sir.

Q. Well what did you see that justifies you in saying that these girls who came to work one or two at a time started the trouble?

A. I said they talked to the girls.

Q. No, I am not asking you what you said now. I am asking you what you saw that makes you say that the girls coming to work started the trouble?

A. They would be talking to the girls and the girls would push the girls around, that is all I could say; I don't know how they started.

Q. I don't know what you mean by the girls would push the girls around. Tell me who pushed who around?

A. I couldn't say.

Q. In your actions down there did anyone direct you as to what you should do? A. In what?

Q. In your actions down there around the Gordon and Gernes plant during the strike, if you call it that, did anyone direct you about what you should do? A. No.

Q. The answer was no. A. No.

Q. You decided yourself, of your own volition, that you would go down there and do whatever you did, is that correct? A. Yes, sir.

Q. Did anybody suggest to you what you should do? A. No, sir.

Q. You just made up your mind yourself that you would go down to that plant and do whatever you did down there? A. Yes, sir.

Q. What were you there for?

A. Looking at the girls.
Q. Merely curiosity? A. Seeing what went on.
Q. Just curiosity? A. Curiosity.

[fol. 5351] Further Cross Examination.

By Mr. Tyler:

Q. When was the last time you were in the Donnelly factory? A. June, 1935.
Q. You have never been in the plant since June, 1935. A. No.
Q. And you have stated in your examination that there was no complaint about the price fixing methods in the union plants where you have worked; that is correct, isn't it?
A. I don't understand what you mean.
Q. The employees do not complain about the method of fixing prices on piece work in the union plants in which you have worked; that is true, is it? A. That is what I said, yes.
Q. At the time you were working in the Donnelly plant, did you complain about the method by which piece work prices were fixed there?
A. Well, we talked to our instructors if we figured the price was too low—
The way I answered it would be the only way I would know how to answer it.
Q. It is all right, if you can't answer it, but do you understand the question? It is whether you made complaint about the method of fixing piece work prices?
A. I don't know how to answer it. Either I don't understand it, or—
Q. (Interrupting) Can you remember whether you did or did not complain about the method of fixing piece work prices in the Donnelly plant when you worked there?
A. Only what I talked to my instructor.
Q. I believe you said a little while ago that you had never made any complaints while you worked at the Donnelly plant, didn't you? Do you remember that, or not?

A. No, I don't remember that.

Q. What was the trouble with the building or the plant at which you worked on the 26th and Grand, had it gone unpainted for a long time?

A. It wasn't as desirable a building as the other. We had no machinist there; and quarters were more cramped.

Q. Do you know who Ted Kirland is?

A. I don't remember the name.

Q. You don't remember whether he was a machinist with the Donnelly Garment Company, or not?

[fol. 5352]

A. No, when they sent a machinist to our building they always sent Mr. Ellis. Whenever a machine would break down, they would call over to the main building for a machinist.

Q. You never saw Mr. Kirland there?

A. I probably know his face, but I can't remember his name.

Q. Was the building over there dirty?

A. It wasn't as desirable as the big building.

Q. The big building was desirable.

A. It was clean.

Q. Well, was it a desirable place to work in?

A. That is the best I can answer you, that it was clean and sanitary.

Q. Would you still like to work there?

A. I have a very good job now, at the time.

Q. Well, can you answer the question as to whether you would still like to work there or not?

A. The Witness: Your Honor, I believe that is the only way I can answer that.

Q. All right. Isn't it a fact that garment workers in general in Kansas City regard the Donnelly plant as the most desirable place in town to have a job; isn't that the plain fact of common knowledge? You can answer that yes or no, I think.

A. I couldn't answer for anybody but myself.

[fol. 5353] Objection is made to all questions and answers of Gordon I. Gordon for the reason that said questions and answers are immaterial.

GORDON I. GORDON

p. 530 Called as a witness on behalf of the plaintiffs, having been first duly sworn, was examined and testified as follows:

Direct Examination

By Mr. Depping:

Q. State your name please?
A. Gordon I. Gordon.
Q. Where do you live, Mr. Gordon?
A. Memphis, Tennessee.
Q. What is your profession? A. Lawyer.
Q. How long have you been practicing your profession? A. Ten years.
Q. Where? A. Memphis, Tennessee.
Q. Did you represent the Nona-Lee Dress Company of Memphis, Tennessee during the year 1937? A. I did.
Q. Concerning some dealings with Mr. Meyer Perlstein and the International Ladies' Garment Workers' Union? A. I did.
Q. Did you carry on negotiations with the International Ladies' Garment Workers' Union with reference to a threatened strike?
A. I did.
Q. With whom were these negotiations carried on as representatives of the International Ladies' Garment Workers' Union?
A. Meyer Perlstein, Myrtle Zappone, Ida Sledge.
Q. Did you talk to all three at once?
p. 531 A. I did.
Q. And Mrs. Zappone and Miss Sledge as representatives of the union in Mr. Perlstein's presence? A. Yes.
[fol. 5354] p. 531 Q. Tell when the negotiations started? What led up to them, and what the negotiations were?

A. The first conference I had with the union representatives was, to the best of my recollection, about March 15, 1937. That was a preliminary conference with Myrtle Zappone and Ida Sledge. Mr. Perlstein, hadn't come to Memphis, Tennessee at that time. They gave me some idea of the terms of the contracts that the union proposed but it was all quite indefinite. I wanted to know from Miss Sledge and Mrs. Zappone, whom they represented in this proposed contract. They claimed to represent the employees. They of course did not represent the employer. I I represented the Nona-Lee Dress Company. I then asked them if they represented a majority of those employees, and they stated that they did. Then as for proof of that representation, realizing it might be deemed prejudicial to the employees they represented, if their names were disclosed, I indicated that I was willing they give their names to their own attorney, and later on advise me whether or not they represented the majority, and it would be acceptable to me. They accepted that proposition and advised me that John Shea was their attorney. I advised Mr. Shea of the understanding I had had with Mrs.
p. 532 Zappone and Miss Sledge. I was never furnished, however, with any figures or facts or any proof, by Mr. Shea or anyone else as to whether or not this majority of employees was represented, as had been indicated to me. My next conference was with Mr. Perlstein, Mrs. Zappone, and Miss Sledge, on Saturday, March 20, 1937. That was my first meeting with Mr. Perlstein. He came to my office, and after introducing himself, asked me if I was ready to sign a contract. I told him no contract had been submitted to me for consideration, let alone signature. He then began discussing the contract that was to be signed in the interest of proceeding log-

ically, I asked him to produce the piece of paper that he wanted signed, or his version of the contract. He seemed to take quite a bit of offense at being asked for the production of a contract but, after finding that we couldn't go forward without such a paper, he proceeded, with my assistance, to put on paper his version of the contract. After I finally got the terms he considered necessary, I told him that was the first time—as it was—that I knew of the contract he wanted signed; and that I would be glad to submit that contract to the directors of the Nona-Lee Dress Company, and girls; that some of the directors were non-residents, that in my opinion it would require at least ten days to get them together and get a decision as to whether or not they would enter into a contract with him.

Q. What date?

p. 533 A. March 20th. He indicated that was fair. He would like to know on the next day, Sunday, whether or not he would be willing to wait. During that same conversation, I proposed to him the question of whether or not he represented a majority of the employees, stating to him what understanding Mrs. Zappone and

[fol. 5355] I had had, but that I still had not been furnished with any proof. Mr. Perlstein's reply to me was "I will furnish you with proof. On Monday morning, I will have a strike at the Nona-Lee Dress Company." I told him if that was the way he did business, as far as I was concerned, negotiations were at an end, he could call a strike that day. Mrs. Zappone and others present with him calmed him down a good deal. He seemed to be willing to restrict that proposition, and discuss the matter further, and see if a contract could be reached. He left my office, as I say, with a promise to 'phone me as to whether or not he would wait until April 1st. I did not hear from Mr. Perlstein any more. About Monday

or Tuesday, of the following week, Mrs. Zappone and Miss Sledge called me, stating Mr. Perlstein had been compelled to leave town without calling me. Their instructions were they had to have an answer by the 24th.

Q. What date was that?

A. On the 22nd or 23rd of March.

Q. Were some of the directors of the company out of town?

A. Yes, sir, as were also one or more of the officers that were traveling on the road.

p. 534 Q. Go Ahead.

A. I again explained to them the utter impossibility of giving them an answer within so short a time, and told them all I could do was submit the matter in due course, if they chose to wait. If they did not choose to wait, they could do as they saw fit. Mrs. Zappone told me I could expect a strike at the Nona-Lee plant any day. That ended all conferences between union representatives and myself for the Nona-Lee.

Q. Did Mrs. Shea, whom Mrs. Zappone and Miss Sledge stated was their lawyer, ever furnish you with any information regarding the number of persons that the International Union represented?

A. They did not.

Q. Did Mr. Perlstein ever furnish you with that information? A. He did not.

Q. And after this thing was all cleared up, did Mr. Perlstein ever tell you about what percentage he represented when he was talking to you in your office?

[fol. 5356] A. Yes, he did. As a matter of fact, he admitted it on the day of violence in the Nona-Lee plant, March 25, 1937 that not a single employee of the Nona-Lee Dress Company was a member of the union. I had myself verified that fact, without his admission because, following his statement to me, and in order to determine whether or not the union

p. 535

was the proper agency to deal with on behalf of the employees, I myself conveyed his information to the Nona-Lee officers, and at their request, I appeared at the Nona-Lee plant, and explained the negotiations with Mr. Perlstein. At that point, I also advised them of his statement that he represented a majority, advising them that as far as my clients were concerned, it was immaterial whether they belonged to a union or not, but that it was necessary we know whether or not they were members of the union in order to know whether or not to deal with that union as their representatives, and requested them to answer certain questions on paper, outside of our presence, to the effect whether or not they were members of a union; whether or not the International Ladies' Garment Workers' Union represented them; whether they wanted the Nona-Lee Dress Company, to deal with that union as their representatives. The employees unanimously answered in writing, over their signatures, they were not members of that union or any other. That union did not represent them; they did not wish that union to be dealt with as their representatives. They also, at their own volition, wholly uninfluenced by me, or the Nona-Lee Dress Company, unanimously signed a petition addressed to the mayor of the City of Memphis asking they be not intimidated or compelled to join that union; that they could solve their own problems; that they had their own shop committee, perfectly capable of dealing with their employer, and settling

p. 536

their problem; that this union was not acquainted with their problems in the plant and were not capable of dealing with them as effectively as they would themselves; so all the proof I could gather was only corroborated by Mr. Perlstein's own admission that he didn't have any employees of the Nona-Lee

Dress Company, on March 25th, 1937, the first day of the violence.

Q. Was a so-called strike called? A. It was.

Q. Was that date March 25th, 1937? A. Yes, sir.

Q. Did any of the employees of the Nona-Lee Dress Company participate in that so-called strike? A. They did not.

Q. Who was in charge of the demonstration?

[fol. 5357] A. Myrtle Zappone, and Ida Sledge. Myrtle Zappone, on that day was arrested for participation in that violence, taking an assumed name of Laura Savell; I prosecuted her under that name, and she was convicted in the city court of Memphis, Tennessee along with nine other members.

Q. Did those convictions stop the violence?

A. They did not.

Q. Did the conviction of Mrs. Zappone keep her away from the scene?

A. It did not and in that connection—

p. 537 A. I was going to say as a means of remedy to stop the violence, in addition to the prosecutions there was—

Q. Did you have something you wanted to add to your answer?

A. My statement was, on March 25th, 1937, on the afternoon of that day following the first scrimmage, I procured an interlocutory injunction in the Chancery Court of Shelby County, Tennessee.

Q. What date was that?

A. March 25th, 1937.

Q. The first day of the violence?

A. It was. I might state here for purposes of objection, if any, that the entire record of the proceeding in that Nona-Lee Dress Company case in Chancery Court of Shelby County has, by agreement between counsel, been made a part of the record in this case, including the original bill, interlocutory injunction, answer of the defendants and all other matters of record in that case. That record is a part of this record.

Q. All right. State whether or not the people who were in charge of the demonstration, and the so-called striking at the Nona-Lee Dress Company you have referred to were, the same persons with whom you had been negotiating with in the presence of Mr. Perlstein?

p. 538 A. That is right.

Q. You stated, I believe, you obtained an injunction against violence?

[fol. 5358] A. I did.

Q. Who were the defendants?

A. The International Ladies' Garment Workers' Union Local #267, I believe, a branch of that union. Meyer Perlstein, Myrtle Zappone, Ida Sledge, Dixie Middleton, president of the union, and all other agents and members of the union.

Q. Was personal service had?

A. It was. I say, it wasn't on all of the defendants. I am not certain at this time it was had on Meyer Perlstein, though I was advised that the injunction had been obtained.

Q. Who did you advise?

A. The union, Mrs. Zappone, and all other persons connected therewith.

Q. Now, describe what acts of violence were perpetrated by representatives of the International Ladies' Garment Workers' Union to your own knowledge after you obtained this injunction?

A. Well, I, personally after I obtained the injunction, I personally saw no acts of violence while they were being perpetrated. I prosecuted members of the union at various and sundry times after the issuance of that injunction. On account of that violence somewhere between thirty and fifty members of the union.

p. 539 Q. What acts of violence?

A. Assault and battery, disorderly conduct, breach of the peace, threatened breach of the peace.

Q. What specific things were they charged with?

A. Throwing red pepper in the eyes of the Nona-Lee employees; they had torn off their garments, pulled hair, and beat them; waylaid them at night, all of that was true, and flagrant violation of the injunction which was similar to, and which is of course part of this record as I say, which enjoined them from any and all acts of violence, or molestation of any kind.

Q. On the first morning of the violence, did you see Ida Sledge anywhere?

A. Yes, I was advised early in the morning of March 25th, the expected difficulty had taken place. I passed in the vicinity of the plant on my way to the office, and on that morning
[fol. 5359] drove up there, and I saw the Nona-Lee cohorts lined up to come into their plant at some little distance and the union crowds, quite a large gathering.

Q. About how many people were there?

A. I should judge, from just a casual view of them, three to five hundred people.

Q. All right.

A. As I drove slowly along, I noticed Miss Sledge at the head of one of the phalanxes, make some remark to the effect of "Come on, girls. Let's get them;" began rushing toward
p. 540 the marching Nona-Lee employees who were coming toward the entrance to the plant, presumably to go to work, and knowing that it would be necessary that I be at the office prepared for action, I didn't tarry there, I just went on to the office.

Q. Did these prosecutions of members of the union you have referred to stop their acts of violence?

A. No. It increased very rapidly.

Q. Were they convicted?

A. Yes. They were.

Q. Did the injunction you obtained stop the acts of violence of members of the union?

A. Not at all. This pepper throwing incident—one of the serious outbursts—took place in

the vicinity of the plant after the injunction was issued, and the defendants fully notified thereof.

Q. Did you and your client finally give up and sign the contract with the union?

A. Out of pure exhaustion and necessity.

Q. When was that contract signed?

A. Approximately April 15, 1937 according to my present recollection.

Q. State what was the only point in the contract, if any, Mr. Perlstein insisted on?

A. Closed shop clause.

Q. Was that all he insisted on?

[fol. 5360] p. 541 A. Substantially, yes. Just briefly, what took place, his version of the contract was wholly unacceptable when we found that it was impossible to carry on in the face of this violence and opposition, intimidation, coercion, and as I say, out of sheer necessity, we realized we would either have to shut down and go out of business or deal with the union. Even though, against the insistence of the employees we finally sat in a conference with them. I had drawn a proposed draft of a contract. After the preamble, my recollection is, the first clause dealt with the open or closed phase of the shop. My version was to give the employee the right to decide for herself whether or not she should be a member of the union. That is, to make no discrimination at all between union and non-union members, to give each one freedom of choice. When I undertook to read that contract in the presence of Mr. Perlstein, Mrs. Zappone and Miss Sledge, and a number of others interested in the matter, Mr. Perlstein stopped me very emphatically, when I had completed reading that first paragraph with reference to the freedom of choice phase of it, and stated, it was wholly unnecessary to read any further; their negotiations were at an end, and the strike as he termed it, which was not a strike at all—would be resumed. It was only after

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considerable persuasion on the part of Reverend Alfred Loring Clark, and my own humble insistence that I be permitted to read the rest of the contract, that he sat in the room
p. 542 and permitted me to read to the end of the contract. His proposition being, the closed shop part of the contract be immediately carried on or going forward at that time.

Q. In whose favor?

A. The operators with certain exceptions should all be required to become members of the union within thirty days after the execution of the contract.

Q. What union?

A. The International Ladies' Garment Workers' Union. The contract finally signed by the International Ladies' Garment Workers' Union, by Meyer Perlstein, regional director, and by their own branch of that same union, #267. He also signed on its behalf.

Getting back to his insistence, the language of the contract, outside of the closed shop phase of it, really didn't alter the existing status of relationship between the employees and employers only making explicit in the contract what had already existed between them, except in certain minor details.

Q. Was there any change made in rates of pay, hours, or working conditions?

A. To answer that question, I might say first, no change whatsoever in hours. As to wages, there was no real change as to wages. As a matter of fact, as it developed, this plant had been in Memphis only two years. The wages
[fol. 5361] p. 543 had been constantly increased as operators became skilled and experienced. Originally, of course, they were chosen from inexperienced operators. The record showed wages were constantly on the increase prior to the difficulty with the union; that normally, they would continue at the plant became established there, and the operators more skilled and experienced, but there was no change at

all in the wages, by and large; as a matter of fact, my information is that the wages were really less than they would have been had not the contract been issued.

Q. All right. Were the employees then forced to join the International Union to hold their jobs?

A. That was the requirement of the contract.

Q. A moment ago you referred to Ida Sledge saying "Come on. Let's get them." State whether or not she was leading an attack at that time upon employees who were going to work?

A. She was.

Q. After this contract was all signed and all over, what if anything did Meyer Perlstein say to you about the number of employees in your client's plant that belonged to his union on March 25th when the so-called strike was called?

A. He admitted he had no employees. As a matter of fact, as a prelude to that conversation —after the contract was made, and modus vivendi reestablished, there was some banquet, I believe arranged. At Mr. Perlstein's earnest
p. 544 insistence, and as a gesture of good-will, the officers of the Nona-Lee requested my attendance, and I did attend. There was a spirit of good-will on the surface, and possibly deeper than that. There was a good deal of conversation one way or the other—I had some conversation with Mr. Perlstein I know on that occasion probably, and probably on another in which I took issue with his program of violence; that I voiced the opinion it was really detrimental to the labor's cause. Mr. Perlstein's position was you could not win strikes without violence, that violence was a necessary concomitant of a strike.

Q. Were you discussing the violence that had occurred there in Memphis that you have described and for which you obtained convictions of union members?

A. Yes. That is what it grew out of.
Q. In that conversation were you discussing violence with respect to tearing clothes off of women and pushing of women?
[fol. 5362] A. That was part of the violence.
Q. That you were discussing?
A. That is true.
Q. What did he say about that?
A. I made no specific reference to that, he simply made a general statement that you could not win a strike without violence. I think he did advert to several—

[fol. 5363] MRS. INEZ WARREN.

pp. 312-316 inc.

Q. What is your name?
A. Mrs. Inez Warren.
Q. How long have you lived in Kansas City?
A. Twelve years.
Q. Are you married and do you have a family?
A. Yes.
Q. Are you now working for the Donnelly Garment Company? A. No.
Q. How long since you worked for them?
A. Two years.
Q. You quit voluntarily? A. Yes.
Q. What has been your work at the Donnelly Garment Company?
A. I worked on practically every floor of the building in four or five different departments.
Q. At what kind of work?
A. Beginning in the pressing department, hand sewing department. In the office, and several departments that I can't think of at present.
Q. How many years altogether did you work there? A. Six, I believe.
Q. Did you ever know of any spy system down there? A. Never heard of it.

Objection—immaterial.

Q. Was there any speed-up system down there, by which a girl was compelled to do a particular amount of work?

A. I never heard of that.

Objection—immaterial.

Q. On March 2, 1937, did you have anything to do with the composition or circulating of these sheets which I hand you, and which are marked Exhibit 30? A. Yes.

Q. What was the occasion for getting that paper up, what caused you to do it?

A. The feeling among the employees. Mrs. Sprofera and I knew they didn't want any outside interference from this particular union organization, because we were perfectly satisfied, and being treated fairly, and we knew personally, in our contacts with so many other workers, they felt the same way we felt; we would like Mrs. Reed—we knew she would like to know that we felt this way.

Q. You said this particular organization. You didn't want anything to do with that. What organization is that?

A. We meant the International Ladies' Garment Workers' Union in particular.

[fol. 5364] Q. Had you seen a newspaper article that came out just about three or four days before this March 2 meeting, in which it was stated " 'We are going to send a letter to the Donnelly Company within a week, suggesting a conference to establish collective bargaining on the question of wages and working hours', Mr. Perlstein said. 'If the firm refuses, we'll go to the consuming public of the country and advise buyers of the wages and hours prevailing there now' ".

And which contains the further statement that: "Part of the union's campaign, directed against the Donnelly Garment Company will be to send six women to cities and towns where its garments are sold, advising

retailers and labor organizations', Mr. Perlstein said.

And further quoting Mr. Perlstein " 'Within a year, we will have it completely organized', Mr. Perlstein said 'and as soon as we have enough members, we'll call a strike. This will be in addition to carrying our side to the consumers.' " Have you seen that article that contained those statements?

Objection—immaterial.

A. Yes.

Q. What was the effect on the employees?

A. It made them all furious. That is the only word that I could express it.

Objection—immaterial.

Q. So you and Mrs. Sprofera composed this document? A. Yes.

Q. And did you take it around and hand it to the workers? A. Personally, yes.

Q. Did you and Mrs. Sprofera go together most of the time. A. Yes, sir.

Q. Were you directed to circulate this paper by any of the bosses or superiors there?

A. Absolutely not.

Q. Did any of them have anything to do with this, or any knowledge of it?

A. No, not until after we had circulated it.

Q. When you had circulated this petition or statement, what did you say to the operators when you passed it around?

A. We said we would like to have them read this petition, and if they felt as we did about it, we would like to have their signatures. If not, It was O. K. And nobody would know whether they signed it or not.

[fol. 5365] Q. There is one paper here—was there one paper of these papers circulated by Pauline Shartzer? A. Yes, sir.

Q. In what department did she work? A. The 10th floor among the office help, 9th floor among the designers.

Q. How did she come to circulate it there? Did you ask her to?

A. No. She wished to do it, because the people on those floors themselves wished their names on this particular petition. They were anxious to have it known they felt the same way, although they were not the operators particularly involved, that we were concerned with passing the petitions among.

Q. Can you pick out of these sheets the one that Miss Shartzer circulated? A. I will try, judging from the handwriting, the last two.

(Witness examined Exhibit 30).

Q. The last two are numbered at the top 13 and 14. As to the rest of the signatures, did you see them signed? And know that these are the genuine signatures of the employees there, that they purport to be. A. Yes, sir.

Q. When you got these papers signed,—oh, by the way, was Pauline Shartzer's paper among those you took out to show Mrs. Reed?

A. Not that particular day.

Q. All the rest, you took to Mrs. Reed?

A. The same day they were signed.

Q. Did she know anything about them until you came there?

A. No, she was very surprised.

[fol. 5366] MRS. PAULINE SHARTZER
pp. 317-320 inc.

Q. Your name is Mrs. Pauline Shartzer?

A. Pauline Shartzer.

Q. Are you married? A. Yes, sir, I am.

Q. Have you a family? A. No sir.

Q. Where do you live? A. 3620 Mersington.

Q. Kansas City? A. Kansas City, Missouri.

Q. How long have you worked for the Donnelly Garment Company?

A. Twelve years, the first of July.

Q. In what capacities? A. Started out as power machine operator, marked dresses;

places to sew buttons on the front of dresses; errand girl in the design department, and in the production department, and last, I have been in the accounting department.

Q. How many years did you say? A. It will be twelve years the first of July.

Q. Did you ever know anything or hear anything about a spy system down there? A. No, sir.

Objection—immaterial

Q. Was there any such system? A. Not that I ever heard of.

Objection—immaterial

Q. Was there any system that is called a "speed up system", whereby one girl has to work at a certain degree of speed to keep up with the other girls. A. Not that I know of.

Objection—immaterial

Q. You worked on machines? A. Yes, sir.

Objection—immaterial

Q. Did you have any such system there?
A. No, sir.

Objection—immaterial

Q. Could you run your machine as fast or as slow as you wanted to?
A. Yes, sir.

Objection—immaterial

Q. Did you see the article in the Kansas City Times on February 26th, in which it is stated that Mrs. Dubinsky would arrive the next
[fol. 5367] week to attend a dinner at the Hotel Muehlbach of union officials and officers of the Liberty Frocks, Inc., and the Stern-Slegaman Prins Company; and went on to say, quoting Mr. Perlstein, that "the minimum wage in this section for women making silk dresses is $22.05 working a 5 day week. He said the Donnelly Garment Company employees re-

ceive a minimum of $15 weekly, and that they are working 45 hours weekly now".

And then proceeded to say: "Part of the union's campaign directed against the Donnelly Garment Company will be to send six women to cities and towns where its garments are sold, 'advising retailers and labor organizations,' Mr. Perlstein said. Miss Palmer will have charge of this squad of field workers. The union claims only twenty-five members among the Donnelly workers, but the officials said 'hundreds of others are related to union members'. 'Within a year, we will have it completely organized', Mr. Perlstein said. 'As soon as we have enough members, we'll call a strike. This will be in addition to carrying our side to the consumers' ". Do you remember that article?

A. Yes, I do.

Q. Was it discussed down there at the plant among the employees?

A. Very much so.

Objection—immaterial

Q. What was the effect among the employees?

Objection—immaterial.

A. They were all very disturbed and very disgusted.

Q. Did you have anything to do with circulating any of these petitions that are marked Exhibit 30?

A. Yes, I did.

Q. Will you pick out the one you circulated?

A. I circulated page No. 11, 12, 13 and 14. I am sorry, I didn't circulate 14.

Q. What numbers did you circulate.

A. 11, 12 and 13.

Q. How did you come to get those sheets? Did you ask for them, say you wanted to circulate them?

A. In the first place, we had discussed it on the 10th floor, the office of the plant. I went to the 9th, in some of my work, and someone asked me if I had seen this petition. I asked them what it was, and I copied it as soon as I could, and compared my copy with Mrs. Sprofera, and in that way I had a copy of what was written up.

Q. What did you do?

A. I took it to the 10th floor and the 9th floor, and anyone we missed on the 9th floor, I asked them to sign them if they cared to.

[fol. 5368] Q. Were these papers signed voluntarily.

A. They were.

Q. Those papers which you circulated contain the signatures, the real signatures of the workers there in the plant?

A. Absolutely.

Q. And of the office force so far as those who signed, [if] there is any distinction between workers and office workers?

A. Yes, sir.

Q. You are still working there?

A. I am.

[fol. 5369] MRS. MARY SPROFERA

p. 294 Q. What is your name?

A. Mary Sprofera.

Q. Are you married? A. Yes, sir.

Q. Where do you live, you and your husband?

A. 5013 Troost.

Q. How long have you resided in Kansas City?

A. All my life.

Q. How long have you worked for the Donnelly Garment Company? A. Fifteen years.

Q. On March 2, 1937, what was your work?

A. Order filling in the shipping department.

Q. Order filling in the shipping department?

A. Yes, sir.

Q. Prior to March 2, 1937, had you known of charges having been filed against the Donnelly Garment Company before the NRA

Labor Board and of some hearings having been held? Had you learned of that fact. That is in 1934? A. No, sir.

Q. Three years before March 3rd? A. No, sir.

Q. Had you heard of those things? I don't mean details—but do you remember having heard in 1934 that there were some hearings at that time? A. No, sir.

Q. You don't remember?

A. No, not to my knowledge.

Q. I hand you a paper here that is marked Exhibit 29 and which contains a purported newspaper account of certain statements that have been made with reference to the company, and the employees down there, and I will ask you if, at about that time, you saw or knew of these articles. I will thank you to look at it. That was published, I believe, February 26th, 1937? A. Yes.

Objection—Immaterial

Q. Have you refreshed your recollection from this so that you can remember what is in it?

A. No, not exactly.

Objection—Immaterial

Q. When that article appeared in the papers, was there some discussion between you and other employees of the plant in regard to it?

A. Yes, sir.

Objection—Immaterial

Q. Now, you may state what occurred between you and any of the members of the plant with reference to what ought to be done. Who did you talk with particularly about doing something about it?

A. Mrs. Inez Warren, a girl that helped me to pass those petitions.

[fol. 5370] Q. What was her job at that plant?

A. An order filler in the shipping department also.

Q. What did you girls conclude to do?

A. Pass these petitions around and have people pledge their loyalty and find out how they felt about working conditions and salaries, and everything pertaining to the Donnelly Garment Company.

Q. Who wrote the petition?

A. I did and Miss Warren.

Q. In whose handwriting are these documents which I hold in my hand. That is the caption of them, the heading? A. Who wrote these?

Q. Yes.

A. I did and Miss Warren, and Miss Shartzer. She came down and copied them by more or less what we had wrote.

Q. Who was with you when you composed the first one? A. Miss Warren.

Q. You and she composed it together, and you did the writing? A. Yes, sir.

Senator Reed: I read the caption on sheet 1, and a similar caption appears on each of these other sheets: "We, the undersigned, as members of the Donnelly Garment Company wish to make if known we are positively happy and contented with the positions which we hold with the organization and refuse to acknowledge any union labor organization. We are thankful for the real humanitarian interest extended by our employer, Mrs. Reed."

Q. When you had written the headings, what was done with the papers?

A. We took them up. Mrs. Warren and I took them up. We went up on the 8th floor where the operators were first. We would tell the operators to read these cards and petitions, and sign if they wanted to. They positively were under no obligations to sign,—and in a way, to show they did not want to join any particular union, which at that time was the International Ladies' Garment Workers' Union, and if they were satisfied with the working conditions there, and did not want

to make a change, and they signed of their own free will.

[fol. 5371] Q. When they were passed around, to whom were they passed? Were they passed to anybody except the workers at the plant?

A. No one but the workers themselves. No one else.

Q. Did anybody tell you to do this?

A. No, sir.

Q. No boss, no person in authority in the plant told you to do this?

A. No one knew about it.

Q. Look at the signatures that appear on—one moment. Did you even present them to the instructors for signatures?

A. No, sir. I did not. I did not take it up with my department heads or officials, or anyone.

Q. Are the signatures on sheet 1 signatures which you secured, if you can look at them and see if you could tell?

A. They are signatures of the operators and inspectors, I imagine. But that is all, and of operators.

Q. Of operators? A. Yes, sir.

Q. Those are the genuine signatures?

A. Yes, sir.

Q. Look at sheet 2. I am asking you if you got the signatures that are on sheet 2, or somebody else got them. Perhaps you can tell.

A. I got these.

Q. Look at sheet 3 and see if you secured the signatures on that sheet. Is it marked 3, Mr. Ingraham?

(Mr. Ingraham) Yes.

A. I couldn't tell about these, Mr. Reed, because Miss Warren had some of these sheets. I had some. But I am trying to read the names by seeing the girls themselves but I can't say I [pssed] this one particular one.

Q. You either got them or Miss Warren got them?

Q. Examine No. 4. That has the same caption as the other, doesn't it? A. Yes, sir.

[fol. 5372] Q. What do you say now as to whether you circulated page 4?

A. Yes, I did pass page four.

Q. Are the signatures there all genuine signatures? A. Yes, sir.

Q. Of the parties. A. Yes, sir.

Q. Secured in the same manner as you have already described. A. Yes.

Q. Examine sheet 5. Look at the names and see if you secured the signatures to 5, and if not who did?

A. I don't know who got them—I did.

Q. You got them? A. Yes, sir.

Q. Under the same circumstances and conditions that you have already described?

A. Yes, sir.

Q. Is that right? A. Right.

Q. Examine 6. Did you write the caption to that or is it in someone else's handwriting?

A. No, that is my own.

Q. Did you secure the signatures to 6?

A. Yes, sir.

Q. And under the circumstances and conditions that you have already described as to the others? A. Yes, sir.

Q. That is, you passed it and it was signed voluntarily? A. Yes, sir.

Q. And these are genuine signatures?

A. Yes, sir.

Q. Look at 7 and see if you passed that around; or if not who did?

A. No, I don't believe I can—

Q. (interrupting) If it was not by you, it was by Mrs. Warren, wasn't it?

A. Either by her or by me. That is the way we did that.

Q. Look at page 8 and see if you passed that around and if you can tell me in what department the signers of that worked. I have called attention to page 8 in my question.

A. It seems like it is some of the operators and some of the porters.

Q. Porters? A. Yes.

Q. They were all workers? A. Oh, yes.
Q. The signatures there are the genuine signatures? A. Yes.
Q. Look at page 9. What are the employments of the four or five people who signed, and I am handing you page 9 of Exhibit 30.
A. There's a porter's name here and also one of the inspectors.
[fol. 5373] Q. But the rest of them are employees?
A. Oh, yes.
Q. Those are genuine signatures?
A. Yes, sir.
Q. Look at page 10 of this exhibit and see if you can tell us who circulated that petition?
A. I did.
Q. You did? A. Yes, sir.
Q. And under the same circumstances you have already described? A. Yes.
Q. Are these genuine signatures?
A. Yes, sir. The girls signed them themselves.
Q. Look at page 11 and see whether you circulated that petition or paper?
A. No, I did not pass this one.
Q. Who did pass it?
A. I believe Miss Pauline Shartzer.
Q. What is Pauline Shartzer's position?
A. She works up in the cost accounting department, I believe, up in the office.
Q. Up in the office. So you can't say that you saw those signatures made? A. No.
Q. Look at No. 12 and see whether you circulated that petition?
A. No, I didn't pass this one.
Q. That was done by whom?
A. I imagine, Pauline Shartzer, on the 10th floor, there are names on there that are on the 10th floor, and we didn't go up to the 10th floor.
Q. Look at 13 and see if you circulated 13. If not, say if you know who did circulate it?
A. Yes, I passed this one.
Q. You circulated that? A. Yes, sir.
Q. Under the same conditions as the others that you testified about. A. Yes, sir.

Q. And these are genuine signatures?
A. Yes, sir.
Q. That is, these that I have called attention to were all circulated in one day on March 2. The ones I have called attention to?
A. Yes, sir.
Q. Now, I call your attention to No. 14 which bears the date of March 5th. Who circulated that?
A. I think Inez Warren and I did, and these are the names of the instructors that wanted to sign after Mrs. Reed made the statement
[fol. 5374] she would like to have all the signatures to put in the corner stone of her new building. That is the only reason why the instructors wanted to sign.
Q. When you ladies circulated these petitions on the 2nd, did you do it of your own free will without any interference or suggestion?
A. Yes sir.
Q. Very well. When you got these papers signed, now, with the exception of one of March 5th, what did you do with them?
A. The day that I got these?
Q. Yes.
A. After we were finished work that day, Mrs. Warren and I went downstairs and my husband met me. We went out to Mrs. Reed and presented her with these petitions, and she was very much pleased, and she didn't know we was coming, because she was out in the garden.

p. 306

[fol. 5389] Objection is made to all questions and answers of Velma Dowdy and all exhibits attached hereto for the reason that said questions and answers and exhibits are immaterial.

p. 561 VELMA DOWDY, called as a witness on behalf of the plaintiffs, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Depping:

Q. State your name please? A. Velma Dowdy.
Q. What is your age? A. Thirty-four.
Q. Where do you live?
A. In Memphis, Tennessee.
Q. Are you married? A. Yes.
Q. What is your husband's name?
A. Tom Dowdy.
Q. What does he do?
A. He works for the Arkansas Power & Light Company as an electrician.
Q. During the month of March, 1937 were you employed by the Tri-State Manufacturing Company in Memphis, Tennessee? A. Yes.
Q. What does that company make?
A. Dresses.
Q. What was your employment?
A. Seamstress.
Q. What was that? A. Seamstress.
Q. Do you recall that there was a demonstration by The International Ladies' Garment Workers' Union at the Tri-State Manufacturing Company about the 8th of March, 1937?
A. Yes.
Q. Who apparently was in charge of this demon-
p. 562 stration? A. Mrs. Zappone.
Q. Who is she, do you know?
A. She was the leader of the union at that time, working for Perlstein.
Q. When you went to work on the morning of March 8th, state whether or not there was a large crowd of people congregated around the building?
[fol. 5390] A. Not very many.
Q. Did the crowd increase as the day went on?
A. Yes.
Q. Did you leave the building during the day?
A. No.
Q. Why not? A. Afraid to.
Q. Now, did you leave the plant that evening?
A. Yes.

Q. Did anything unusual happen to you as you left the plant of the Tri-State Manufacturing Company on the afternoon of March 8th, 1937?

A. Yes.

Q. Just tell the Court frankly what happened?

A. I went out of the factory as usual. When I got outside a lot of girls grabbed me, almost stripped me naked, if it hadn't been for the policemen.

Q. Who were these girls? A. Union girls.

p. 563 Q. How do you know that?

A. They were in the picket line when I went to work that morning. They didn't work that day.

Q. Did you recognize any of them?

A. Yes.

Q. I will hand you a picture which has been marked Plaintiffs' Exhibit No. 81 and ask you to state what that is?

A. That is my picture.

Q. After they had torn your clothes?

A. All but my coat almost.

Q. They took everything off but your coat?

A. Almost.

Q. What remained on you?

[fol. 5391] A. The sleeves and dress, my brassiere and step-ins.

Q. We offer in evidence Plaintiffs' Exhibit No. 81.

(Plaintiffs' Exhibit 81 is received in evidence and made a part hereof.)

Q. Was that picture taken by newspaper photographers? A. Yes.

Q. Was is published throughout the country in different papers and magazines? A. Yes.

Q. During the day there, were you girls who were inside the plant, threatened by the union people who were on the outside about what would happen to you if you came out? A. Yes.

p. 564 Q. What was said to you by the union people?

A. They asked us how we thought we were going to get out. They were going to tear our clothes off, and all that.

Q. They said they were going to tear your clothes? A. Off.

Q. What kind of language, did you hear used there by different people. Just state the character of it? A. It was bad.

Q. After your clothes were torn off of you, as you described, did you then stay away from work? A. For a while.

Q. Did that humiliate you? A. Sure.

Q. Now, let me have these exhibits. I now hand you Plaintiffs' Exhibit No. 80 and direct your attention to the picture at the top of the page on the left hand side and ask you to state what that is a picture of?

A. A picture of Louise McKinney. She worked that day. The girls grabbed her, the policeman is trying to protect her from those girls.

Q. Is Louise McKinney the one being attacked?

[fol. 5392] A. Sure she is.

Q. State whether or not she was an employee of the Tri-State Manufacturing Company at that time? A. Sure.

p. 565 Q. Do you recognize any girls in the picture who are attacking Louise McKinney?

A. One.

Q. What is her name? A. Dixie Middleton.

Q. Is she the one where the cross is? A. Yes.

Q. State what position, if any, she held with the International Ladies' Garment Worker's Union at the time of that attack?

A. She was president.

Q. State whether or not during this demonstration, clothes were stripped and torn from other girls by the union people?

A. Yes.

Q. Where do you work now?

A. Tri-State Dress Manufacturing Company.

Q. The same place? A. The same place.

Q. When did you go back to work?

A. About six or seven weeks ago.
Q. State whether or not you were forced to join the International Union?
A. Sure, I was. I had to.
Q. Why did you have to?
A. They wouldn't let me work unless I did.
Q. State whether or not wages or working conditions are any better at the present time at the plant of the Tri-State Manufacturing Company than they were before?
[fol. 5393] p. 566 A. It is worse.
Q. Do you make any more money now than you did before this demonstration and before you became a member of the International Union?
A. Not as much.
Q. What dues and assessments do you have to pay to the International Union?
A. Thirty-five cents a week; $1.00 every month for a new book; fifty cents for every meeting you miss.
Q. How often are the meetings?
A. Twice a month.
Q. Do you have to pay any assessment or initiation fee to join? A. $3.50.

Exhibit 1 to affidavit of Velma Dawley 3-21-37

Sunday News
Page Seventeen

Exhibit 1 to affidavit of Flora Stetsch New-York Sunday News -



5394

Disrobed by force. Caught in the middle of a fight between women garment workers and strike pickers outside a dress company plant in Memphis, Tenn., this woman was shorn of almost all her clothes before police could rescue her. The

[fol. 5396] (N. R. A.—J. M. C. Exhibit 5.)

Extracts from testimony of DAVID DUBINSKY, called as a witness on behalf of the defendants.

Direct Examination

By Mr. Walsh:

p. 2157 Q. Your name, please?
A. David Dubinsky.
Q. And your age?
A. Forty-seven.
Q. Where do you reside, please?
A. 201 West Sixteenth Street, New York City.
Q. How long have you lived in New York City?
A. Since 1911.
Q. What is your occupation, please?
A. President of the International Ladies' Garment Workers' Union, and Secretary-Treasurer.

* * *

p. 2197 Q. In 1933 did you or did you not receive a communication from the Women's Trade Union League?
A. Yes, I did.
Q. A letter?
A. Yes.
Q. Please produce it.
A. May I say it is a letter together with a report of the United States Department of Labor, Womens' Bureau, Washington, with an analysis and with a clipping of a newspaper that I received at that time.
Q. The letter first, please.
A. (Witness hands paper to counsel.)

p. 2198 Mr. Walsh: I will now read this Defendants' Exhibit A-36:

[fol. 5397] (Defendants' Exhibit A-36.)

"Stenographers, Typists, Bookkeepers and Assistants Union No. 14268 of the American Federation of Labor.

Affiliated with Central Labor Union and Missouri State Federation of Labor.

Kansas City, Mo.
June 21, 1933.

"David Dubinsky, International Secretary International Ladies' Garment Workers' Union, 3 West Sixteenth St., New York City, N. Y.

"Dear Sir and Brother:

"April 16 The Womens' Trade Union League of this city started a campaign against sweatshop conditions here, a vigorous protest against the low wages, unsanitary conditions, overtime, etc., principally in the garment industry.

p. 2199

"The Chamber of Commerce, true to form, was highly insulted, emphatically denied that these conditions existed, and at that time told me the needle trades industry covered between ten and fifteen thousand workers, in seventy-six factories, with Kansas City ranking second in the house dress industry.

"I wrote Miss Elizabeth Christman, National Secretary of the League, around the first of May, asking her what we should do about organizing these women. Miss Christman replied she would write you, telling you of conditions here, and suggested I also write you. About that time the club women, several thousand strong, endorsed our sweatshop campaign one hundred per cent and sent dozens of wires to Mary Anderson asking the Womens' Bureau to send investigators here to make a wage survey. Miss Anderson sent her crew of workers for a survey of the garment industry about the middle of May. Their survey, wages only, was completed ten days ago, covering 39 factories, 3759 workers; 1752 of them in factories making cotton dresses for women and children; 844 of them in factories making women's coats; 844 workers in the overall and work clothes factories (practical-

ly all of these belong to the United Garment Workers, the only ones in the garment industry organized here);—"

You may explain that, if you will Mr. Dubinsky. That is not your organization, it is another organization in the garment trade?

[fol. 5398]

A. Yes.

Q. I will continue reading:

"180 in the millinery houses; 95 making lingerie, robes and silk dresses; 411 in factories where gloves, underwear and miscellaneous garments are made. 51% of the 3759 made less than $10 per week, practically all of these being in the cotton dress group.

"My object in writing you, Mr. Dubinsky, is to ask if your Organization will be able to send an organizer here to institute a local union of women workers under your jurisdiction. The Women's Trade Union League and Local Labor Movement, with which I am also identified as secretary of the Stenographers' Union and delegate to the Central Labor Union, will cooperate one hundred per cent with your representative, I can assure you.

p. 2200

"We know that organization is the only salvation for these workers.

"I shall appreciate an early reply advising what your organization will be able to do.

"Thanking you for giving this your prompt attention, I am,

"Cordially yours,

(Signed) MARION BURNS,
"President, Women's
Trade Union League.

"402 Carmen's Bldg.
"Kansas City, Mo."

[fol. 5399] Extracts from Testimony of MEYER PERLSTEIN called as a witness on behalf of the defendants.

Direct Examination.

By Mr. Walsh:

p. 1842 Q. State your name, please.
A. Meyer Perlstein.
Q. Where do you reside, Mr. Perlstein?
A. New York City.
Q. Give the particular address.
A. 12303 Holland Avenue, Bronx, New York.
Q. What position do you hold with the International Ladies' Garment Workers Union?
A. I am the Regional Director of the Southwestern District of the International Ladies' Garment Workers Union.

• • •

p. 1860 Q. When did you first come to Kansas City?
A. I came to Kansas City in July, 1934.
Q. What was your designation then?
A. My designation was to help—
Q. (Interrupting) July, 1934? A. Yes.

• • •

p. 1861 A. My duties in this city were first to help those local union that were already established here, to help the members improve their conditions and also direct the activities for the organization of those that were not organized yet.
Q. How many were organized when you came here?
A. We had several hundred organized.
Q. And were they in separate locals or all in one local?
A. We had three different locals.
Q. What were they?
[fol. 5400] A. One local consisted of cloak makers, another local consisted of cutters and another local of dressmakers.

• • •

p. 1867 Q. Have you visited the Donnelly Garment Company?

A. I visited the Donnelly Garment Company recently, during this trial.

* * *

p. 1869 Q. Did you observe the workings of the machines? Were the sections apparently all at work in operation upon the machines at the time we were there?

A. I have visited—

Q. (Interrupting) Were they all working?

A. I did observe.

Q. You did observe? A. Yes.

Q. And you went through the aisles did you?

A. I went through the aisles; I stopped at almost every section, I observed the speed.

Q. I was going to ask you that. How does the speed, from your experience, compare with the speed in other manufacturing establishments that you know of?

A. It was, according to my opinion, it is the speediest shop that I ever had visited. I have

p. 1870 never seen people work as hard as they do in that particular shop, particularly in certain sections of that shop.

Q. Mention the sections?

A. The special machine operators, the pressers,

[fol. 5401] I have never seen pressers working as hard and as fast and as speedy as the pressers and special machine operators in that shop have worked.

Q. We will come back, if we may, to your first coming to Kansas City. When did you communicate, after you came here, with the Donnelly Garment Company?

A. I sent them a letter in connection with complaints that a number of girls brought to me, girls that were working for the Donnelly Garment Company and who claimed that they were discharged because of union activities.

Q. Do you remember the date of that letter?

A. I don't remember the exact date.
Q. Have you made a search for a copy of that letter?
A. I have made a search for the original copy but I could not find it.

Mr. Walsh: Have you gentlemen a copy of that, Mr. Hogsett?

Mr. Hogsett: You have not identified any letter up to now.

Q. What was the date that you wrote that letter?
p. 1871 A. I don't remember exactly the date.
Q. Can you approximate the date?

Senator Reed: Mr. Walsh, any letter that we have from this gentleman, if you can in some way tell us what it is we will produce it.

Mr. Walsh: Very good, I will try to. Pardon me, I spoke without giving the description, it was my fault.

A. It was either at the end of July or sometime in the early part of August, 1934.
Q. And to whom was the letter addressed?
[fol. 5402] A. To the Donnelly Garment Company.
p. 1872 Q. This letter of July 18th, 1934, will you please state the contents of it?
A. The contents of the letter was that I am advising them that a number of girls complained to me that they were discharged because of their union activities and I asked them for a conference to take up and try to adjust this complaint.
Q. Did you receive any reply to that letter?
A. I received a telephone call.
p. 1873 Q. And from whom did you receive the telephone call? Who was the person that said he or she was at the other end of the 'phone?
A. When I came into my office there was a call for me from Mrs. Reeves.
Q. And what did you do in response to that call?

A. I called back and I made an appointment for eleven o'clock the same morning. Later on when I found that I cannot keep that appointment I called back and wanted to delay it for a later hour. Then Mrs. Reeves asked me "What do you intend to take up, what do you intend to discuss".

Q. Pardon me. Did you tell her who you were and who you represented?

A. I told her my name and that I am the one that wrote the letter and she asked me, "What is the appointment for, what do you intend to discuss." I told her that I intend to discuss the complaint filed with me by the several girls that claimed they were discharged because of their union activities, claimed they were discriminated against. Then Mrs. Reeves told me "We don't discriminate and these girls were not discharged because of their union activities but because of the seasonal lay-off." I told Mrs. Reeves that these girls were working there for several years and never during that period were they laid off for such a long period and they insist they
[fol. 5403] were discharged because of their union activities.

p. 1874 Q. And what was Mrs. Reeves' reply?

A. Mrs. Reeves' reply was "There is no use wasting time, we don't discriminate."

Q. Did you make any other offer to call upon her? Did you make an offer at that time to call upon her?

A. No. If you will pardon me to qualify my remarks, I advised some of the girls to call her up personally and possibly try to get their positions back individually.

* * *

p. 1878 Q. Now, I will show you a letter addressed to the Donnelly Garment Company of date, January 25, 1935, and state whether that is a copy of the letter that you sent to the Donnelly Garment Company.

A. Yes, it is.

Mr. Walsh: I want to put this in evidence.

(Mr. Walsh read Defendants' Exhibit C into the record.)

(Defendants' Exhibit C.)

"Kansas City, Missouri, January 25, 1935.

"Donnelly Garment Company,
1828 Walnut Street,

Kansas City, Missouri

Gentlemen:

As the accredited representative of the International Ladies Garment Workers Union, which represents 225,000 workers and is the third largest union in the American Federation of Labor and as the accredited representative of the Donnelly Garment Workers Local No. 124 of that union, we take the privilege of addressing this letter to you.

Last year, with the birth of the new deal, a number of the workers in your shop began to apply for membership in the above men-
[fol. 5404] tioned organization. Various groups of your workers constantly applied for membership and finally our International granted them a charter.

"Following their organization, these members have experienced a decided change in the attitude and action of your executives toward them. They complain that they have been unfairly propagandized to abandon their union; given veiled threats of discharge should they fail to do so; discriminated against; isolated from other workers by transfer to a separate building and transferred to other than their usual type of work; so that their earning power has been materially reduced; and workers of proved efficiency and long experience in your employ have

been discharged without cause. That these complaints are not vague and imagined is evidenced by the fact that they have taken
p. 1879 definite form in cases pending before the Regional Labor Board. That they are not without merit is evidenced by the fact that your executives have interposed every artifice and technicality to delay a full and fair hearing and that the cases still pend.

"There is voiced feeling among these workers that the special concessions made to your firm by certain administrators of the National Recovery Administration have resulted in great benefit to you at the expense of and without corresponding benefit to the workers. The Administration undoubtedly, in permitting you to manufacture a higher priced garment, acted upon a belief that the workers would benefit by this concession proportionately; but the contrary has proved to be the fact.

"Let us at this point assure you that it is not the purpose of our union either to disrupt or run business. Our activities are predicated upon the principle of co-operation between employer and employee for the fair and mutual benefit and profit of all. All we ask is for an opportunity, through our organization, to present and submit labor's views, and to work out peaceable and equitably the problems of uniform and adequate wage scales, protection for the experienced workers, the determination of piece-work rates and all other problems jointly affecting your organization and our members.

"We desire to accomplish these ends peaceable. There should be no need to resort to methods resulting in cessation of work and economic loss in order that the workers may
[fol. 5405] in 1935 gain that equality in his inalienable rights in the economy of the nation which he in 1776 obtained politically.

"Surely the founders of your firm are fair enough to concede that we have reached a state in our civilization where the workers, through his labor union, must be recognized as having a voice in industry and the conditions of his employment.

p. 1880 "We address this letter to you in the sincere hope that it will form the basis for co-operation between the members of our union in your employ and your firm. The success of industry depends upon such co-operation. We stand ready to do our part toward creating the machinery for a mutually co-operative relationship.

"Through your prompt response to this communication there can be averted the necessity for a more direct drawing of the issues and the possible precipitation of industrial turmoil. The power for peaceful action is in your hands and we trust you will pursue this course.

Most sincerely yours,

"International Ladies Garment Workers Union
By Meyer Perlstein, Special Rep.

"Donnelly Garment Workers Union No. 124
By—Virginia Stroup, President"

(Whereupon Defendants' Exhibit C is received in evidence and made a part hereof.)

Q. (By Mr. Walsh) Upon December 6, 1934, did you file a complaint against the Donnelly Garment Company on behalf of the International Ladies' Garment Workers Union?

A. I did.

Q. I will ask you to look at this paper which I hand you and state whether that is the complaint you filed?

[fol. 5406] A. Yes, I did.

(Defendants' Exhibit "-28, Complaint, page 473, Vol. 2, Statement of the Evidence, marked for identification.)

(Mr. Walsh read Defendants' Exhibit A-28 into the record.)

(Defendants' Exhibit A-28.)

p. 1881

"National Labor Relations Board
Regional Office Twelfth
District, Scarritt Bldg.
Kansas City, Missouri.

"International Ladies Garment Workers' Union
v.
"Donnelly Garment Company, Kansas City, Mo.

"Complaint

"Comes now the International Ladies Garment Workers Union, for and in behalf of

Thelma Owens,
Mayme Tubbesing,
Tillie Shirley,
Ellen Fry,
Gladys Ruchardson,
Lou Perkins,
Lillian Rutherford,
Goenn Brook,

"and states that said women are members of International Ladies Garment Workers' Union; that each of them was employed by Donnelly Garment Company and discharged or laid off because of their activity in organizing a local union from the employees of the Donnelly Garment Company, because of their declarations that they intended to become members of the International Ladies Garment Workers' Union and because of said membership in said Union, in violation of Section 7A of the National Industrial Recovery Act.

"Wherefore, said International Ladies Garment Workers' Union, for and in behalf of each of said women, asks for an order of

the National Labor Relations Board compelling the said Donnelly Garment Company to reinstate each and all of said women to their former positions, with full pay for the time
[fol. 5407] during which they have been illegally discharged and laid off.

p. 1882 "INTERNATIONAL LADIES GARMENT WORKERS' UNION

By (A) Meyer Perlstein.' "

* * *

p. 1909 Q. Now, after the NRA was declared unconstitutional did you or did you not remain here and conduct activities in the effort to organize these girls?

A. We continued conducting activities.

Q. Who did you have here in charge of the Joint board?

A. Mrs. Wave Tobin, who was named as the manager of our local organizations in this city.

Q. And when was Mrs. Tobin engaged by you, about what date? Did you engage her?

A. I did.

Q. And about what date was she engaged?

A. I could not remember exactly the date.

Q. Could you make a fair estimate of it?

A. I believe it was in 1936.

Q. And under your direction what did Mrs. Tobin do, if anything, down to the time you wrote this letter?

A. She followed the normal process.

Q. Which was what?

A. To talk to the workers, to send out committees, to encourage them, to explain to them the aims of the union and so forth.

* * *

p. 1925 Q. I will get you to state whether or not you addressed a letter of which this Defendants' Exhibit I is a copy, to the Donnelly Garment
[fol. 5408] Company?

A. I did.

Q. On or about the date given, July 23, 1935, is that correct?

A. Yes, sir.

p. 1926 Mr. Walsh: I want to offer this Defendants' Exhibit I.

(Which Defendants' Exhibit I is in words and figures as follows, to-wit:)

(Defendants' Exhibit I.)

"July 23, 1935.

"Donnelly Garment Co.,
1828 Walnut St.,
Kansas City, Missouri.

"Gentlemen:

"The following members of our union have complained to us that they have been discriminated against and discharged because of their union affiliation and activity. We have made a thorough investigation of their complaints, have found them to be true, and respectfully submit that their discharge and discrimination was unlawful.

"We, therefore, request you to have these workers reinstated to their former positions and reimburse them for the loss of pay they have been caused to suffer by being illegally discharged.

"Ellen Fry	Thelma Owens
Glynn Brooks	Lillian Rutherford
Tillie Shirley	Lou Perkins
Pauline Lutz	Gladys Eldridge
Mamie Tubbesing	Virginia Stroup
Lillian Wales	Frances Reidel
Nore McKee	Loretta Sisson
Ollie Thompson	Minnie Liles
Clara Enloe	Edith Alexander

"Sincerely yours,

Kansas City Joint Board,
International Ladies Garment
Workers Union.

[fol. 5409] "By- Evelyn Swanson
K. C. Joint Board, secy.

"By- Meyer Perlstein
I.L.G.W.U. representative."

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(Witness Excused.)

[fol. 5410] Extracts From Testimony of THELMA OWEN, called as a witness on behalf of Defendants.

Direct Examination.

By Mr. Walsh:

p. 1605 Q. Your name is Thelma Owen, I believe?
A. Yes.
Q. And what is your age?
A. Thirty-six.
Q. Did you ever work for the Donnelly Garment Company?
A. I did.
Q. When did you start to work for that company?
A. August 3, 1924.
Q. And how long did you work for that company?
A. Until 1927 I was laid off for five weeks.
Q. And at the end of the five weeks were you called back to work?
A. Yes, I was.
Q. And how long did you work then?
A. Until 1927 in November.
Q. And you were off then for some months?
A. Yes, close to a year.
Q. When, if at any time, did you go back to work at the Donnelly Garment Company?
A. The latter part of 1932.
Q. And you worked then continuously did you until what time?
A. June, 1934.
p. 1606 Q. Did you join the International Ladies' Garment Workers' Union?
A. I did.

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p. 1606 Q. And upon what date?
A. November 30, 1934.

* * *

p. 1609 A. Then I went to the union office and I stated
p. 1610 my troubles to Mr. Perlstein and I asked Mr. Perlstein if there wasn't something he could do to get our jobs back and he said "Well, I will advise you to call Mrs. Reeves again." I called her again and she said "There isn't anything for you."
Q. Did you speak to her in person after that?
A. I did.
Q. How soon after this telephone conversation that you have narrated?
[fol. 5411] A. Well, I think it was the same day. I went to gather my things up.
Q. What things did you have there?
A. Uniforms, scissors, shoes. She left word at the employment office if I came in to send me to her office.
Q. And were you sent to her office? A. I did.
Q. And did you have a conversation with her?
A. Yes.
Q. What did she say if anything with reference to a call from Mr. Perlstein's office?
A. She shook her finger in my face and she said "Thelma Owen, why did you call from that old foreigner's office, Merle Perlstein; we could have got together and threshed this thing out.
Q. And what was your answer to that?
A. I told her that I was there and that was the reason I called from there.
p. 1611 Q. Did you know how she knew you were at Mr. Perlstein's office? A. I do not.
Q. Did you state when you called her up you were calling from Mr. Perlstein's office.
A. I did not.

[fol. 5412] p. 1509 Extracts From Testimony of LILLIAN WALES, called as a witness on behalf of Defendants.

Direct Examination.

By Mr. Walsh:

Q. Please state your name to the Court?
A. Lillian Wales.
Q. And where do you reside, Miss Wales?
A. 711 Cleveland.
Q. Is that in Kansas City, Missouri?
A. Kansas City, Missouri.
Q. How long have you lived in Kansas City?
A. About twenty years.
Q. And what is your occupation at the present time?
A. I am a special operator at Carl Mann Coat Company.
Q. At what factory? A. Carl Mann.
Q. How long have you worked there?
A. It will be a year in June.
Q. Did you ever work for the Donnelly Garment Company? A. Yes, sir.
Q. I believe I will have you state here what your experience has been as a garment operator, from the time you started up until the present time?
A. Before I went to the Donnelly Garment Company I was a special operator at the Kansas City Custom Garment Company; I worked
p. 1510 there approximately two years and then I went to the Donnelly Garment Company, as well as I can remember in the fall of 1931.
Q. And how long did you work there?
A. I worked there until June, 1935.
Q. And what part of the work did you do at the Donnelly Garment Company, what operation?
A. I was a straight needle girl. When I first went there I was given a little bit of everything to do and later became a joiner.
Q. How long did you work there as a joiner?
[fol. 5413] A. Well I could not say exactly; approximately two years.

Q. I will ask you to state whether or not you had a conversation with Mrs. Allison in the winter of 1934 respecting the International Ladies' Garment Workers' Union?

A. Yes, sir; she spoke to our group in our section. At that time I was working on the 8th floor.

Q. Had you received or had you not received one of the circulars or bulletins sent out about meetings? A. Yes.

Q. What was the occasion of your conversation with Mrs. Allison at that time?

A. There were some girls carrying educational signs and Clara Finnell was a thread girl on that floor at that time and she came up to the section and said something to Mrs. Allison about it and she said that what we should do was go down those elevators and tramp those people down.

p. 1511 Q. What people were they talking about?

A. The girls that were carrying those educational banners.

Q. What did it say on these banners?

A. I couldn't remember, I don't remember and Mrs. Allison said if anybody joined the union that we would not be working for the Donnelly Garment Company.

Q. Were these presumably union girls that were down there? A. Yes, sir.

Q. I wish you would give me all of their conversation, and pitch your voice so we can all hear you; give me the whole conversation that you had with Mrs. Allison?

A. Mrs. Allison said at that time, she spoke to the group of us and she said that anybody that joined the union would not be working for Mrs. Donnelly.

[fol. 5414] Q. When was that?

A. Well, I could not rightfully say when that was; it was before I joined the union however; it was in the month of December.

Q. December of what year?

A. Of 1934.

Q. Did you have a conversation in the early part of January or I will ask you first did you join the International Ladies' Garment Workers' Union? A. I did.

* * * *

p. 1512 Q. Do you recall the date on which you had a conversation subsequently with Mrs. Hyde?

A. Yes; I joined the union the 8th of January and before that they had been at this building at 26th and Walnut and it was on the 21st day of January as near as I can remember the instructor that had charge of the section at that time, Mrs. Allison being transferred during that period of time—came to me and she said that Mrs. Hyde wanted to see me downstairs and I told her, I said "What? I have been expecting that" and she said that she hated to lose me.

Q. Who said that? A. The instructor.

Q. Who was the instructor? What was her name?

A. I know but I cannot remember, right now I cannot remember.

Q. Was she an instructor at the time?

A. Lola was her name; I cannot remember her last name; she had just been there a small period of time.

p. 1513 Q. She had what?

[fol. 5415] A. She had just been there from the time that Mrs. Allison had been transferred to the 26th and Walnut Building.

Q. What was it she said?

A. Well, she told me Mrs. Hyde wanted to see me, she said she certainly hated to lose me because I was a good operator and I told her I had been expecting it so I took my scissors and thread and things and went down to the employment office on 7.

Q. And who did you meet down there?

A. Mrs. Hyde and she told me Mrs. Allison needed another girl over at the other building.

Q. Where was that building?
A. The building at 26th and Walnut.
Q. And whom did you meet after you got over there?
A. Mrs. Allison.
Q. What was Mrs. Allison's position?
A. She was an instructor.
Q. And did she give you a machine to work on when you got over there?
A. Well, she was talking to someone else and she told me to wait and she would give me a machine, which she did.
Q. Now, at the time she did that did she say anything to you or not about joining the union?
A. She told me when I first went over there the first day I went over there that I could not expect to come over from the big building and
p. 1514 get joining because she already had her joiners and Mary Copowycz talked to me, too; she was a thread girl at that time and she said, she came over and she asked me what made me ever join the union. I told her because I wanted to and she said that Frances and I was the only ones in the union that she cared anything about and she asked me
[fol. 5416] what I thought I could get out of the union, what I expected out of it; that there were not any unions any more and the first time I did something they didn't like they would kick me out and that is all she said to me at that time and Mrs. Allison talked to me later.
Q. How much later?
A. I cannot rightfully remember; it seems to me it was the following Monday.
Q. And what did she say to you?
A. Well, she said she would like to give me a whipping and I asked her for why and she said because I joined the union. She said she thought it was terrible we had joined the union, to take our money and give it to the

dirty foreigners to sit around when they could not offer us anything. She asked me if I had not always been treated fair with the Donnelly Company and she told me as long as I would continue to behave myself I would have had a job with the Donnelly Company, as long as there was such a firm but she said that I could not expect to get the same kind of work and all that I had had. She said—

p. 1515 she also told me there was not any unions any more and that if I lost my job there that I could not get a job any place else in town.

Q. State whether or not she said anything about Frances Riedel joining the union?

A. Yes, she said that Frances and I—she was surprised that we had but she was not surprised at Virginia Stroup; that she was the type and she said that the reason that Flossie and I had stayed there like we had was because she liked us and felt sorry for Flossie—Flossie Walton, I don't know why.

* * *

p. 1523 Q. Where do you work now.

A. Carl Mann Coat Shop.

Q. Is that a union shop?

A. Yes, sir.

[fol. 5417] Q. Is there or is there not, in that shop, a price committee appointed among the employees themselves who do the work?

* * *

p. 1526 Q. I wish you would answer that, please, Miss Wales.

A. Yes. There is a price committee elected by the girls. When prices are settled among the workers, there has to be present the head of the union, the shop Chair Lady, the price committee and the employer himself, and the prices have to be settled in accordance with what the girls think are right for them.

Q. Is there or is there not, usually if not always, an agreement as to what the prices shall be on the particular class of garments?

A. You mean between the price committee—?
Q. Between the price committee and the employer, is it usually agreed upon?
A. Yes, sir.

* * * *

Cross Examination

By Mr. Hogsett:
p. 1527 Q. Well, all right. You left in what period of 1935?
A. In the month of June, 1935.

* * * * * *

Q. You joined the union on what date?
A. January 8, 1935.
Q. You continued to work at the Donnelly Company until June, 1935?
[fol. 5418] p. 1528 A. Yes, sir.
Q. I believe you said. And at that time, there was a general lay-off, wasn't there?
A. I was sent to the 2609 Walnut Building. I don't remember the date when that was laid off, that building was laid off. We talked to Miss Hyde. She said she would have to do us like she did the others. She would have to lay us off. We asked her when she thought she would have work for us. She said she didn't know, maybe next season. We called her up. She said, no, she didn't have anything just then, that she would call us when they did.
Q. Did you get the question that I asked you?
A. I think so.
Q. What is the answer to it?
A. That building was laid off, yes.
Q. You were laid off at the same time as how many other employees, both union and non-union?
A. Well, I couldn't say, because I don't know how many girls there was in that section. It consisted of one section. I can't remember if it was just a few or not.

Q. A normal section is 40 people plus the instructors, is that right?
A. That is right.

(Witness Excused)

[fol. 5419] Extracts From Testimony of FRANCES RIEDEL, called as a witness on behalf of Defendants.

Direct Examination.

p. 1467 By Mr. Walsh:
Q. Your name is Frances Riedel.
A. Frances Riedel.
Q. And where do you reside, Miss Riedel?
A. 1207 Reynolds.
Q. Is that in Kansas City, Kansas or Kansas City, Missouri?
A. That is in Kansas City, Kansas.
Q. And how long have you lived there, approximately? A. Two years.
Q. Were you born in this neighborhood?
A. I was born in Kansas City, Kansas.
Q. What is your occupation?
A. None at present.
Q. What has been your occupation for the past few years?
A. Sewing machine operator.
Q. As a sewing machine operator, please state what shops you worked in?
A. I have worked at the Missouri and the Liberty and Donnelly's and Lindall Coat shop and Bracken Tie Company.
Q. How long did you work for the Donnelly Company? A. Three years and a half.
Q. When did you go to work there?
A. In the year 1931.
Q. Were you working there in the years 1933 and 1934? A. Yes, sir.
p. 1468 Q. And what was the character of your work?
A. Straight sewing, straight needle girl.
Q. What sort of machines did you work on, if they had any particular designation?

A. Well, I did do sheering and binding, not very much but when they were busy I did them.

Q. When did you leave the employ of the Donnelly Garment Company? A. 1935.

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Q. Did you at one time join the International Ladies' Garment Workers' Union?

A. Yes, I did.

[fol. 5420] Q. And when did you join that union?

A. In October, 1934.

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p. 1469 Q. Subsequent to joining that union did you have a talk with Mrs. Reeves about joining the union?

A. Yes. I was called up to Mrs. Reeves' office.

Q. And how long was it after you joined the union?

A. Well, I was called up to Mrs. Reeves' Office December 12th; right around December 12th.

p. 1470 Q. Around December 12, 1934?

A. Yes.

Q. Had you said anything to anyone up to that time at the shop about having joined the union?

A. Yes; Grace Gnotta asked me if I had joined the union.

Q. Who was Grace Gnotta?

A. She was my instructor at the time.

Q. And what did you say to her?

A. Grace Gnotta asked me if I belonged to the union and I told her yes, I did.

Q. Was it subsequent to that that you had this conversation with Mrs. Reeves?

A. Yes, it was the same day.

Q. I will get you to state that conversation, what Mrs. Reeves said to you and what you said to her?

A. Mrs. Reeves asked me if I belonged to the Union and I told her yes.

[fol. 5421] Q. Now I will ask you one question before I go any further. Was this Grace Gnotta pres-

ent at the time when you talked to Mrs. Reeves?

A. Yes; Grace Gnotta took me up to Mrs. Reeves' office.

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p. 1472 Q. Was there any other girl called up at the same time you were there?

A. Virginia was called just a few seconds before I went up.

Q. Virginia who? A. Virginia Stroup.

Q. Was Virginia Stroup there at the same time they had this talk with you?

A. Yes, sir, she was.

Q. Did you hear what Mrs. Reeves said to Miss Stroup, if anything?

A. Yes; she told Virginia that Grace Gnotta had kept her through sympathy, because she felt sorry for her.

Q. And what did Miss Stroup say in answer to that, if anything?

A. I don't remember what answer Virginia Stroup did say.

Q. Did you hear any conversation right after that between Mrs. Reeves and Ella Mae Hyde?

A. Yes. Mrs. Reeves told Ella Mae Hyde that her job was to watch Virginia Stroup and Frances Riedel—myself—the times that we [sent] to the wash room and how long we spent there.

p. 1473 Q. That was the retiring room for the girls?

A. Yes, sir.

[fol. 5422] Q. Did she say anything else about the union while you were there and any relationship that Mrs. Gnotta had to anyone belonging to the union?

A. Yes; she said that Mrs. Gnotta had been listening to us talk union and she wasn't going to listen to it any more because if we girls didn't make our $15.00 we would get laid off.

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Q. Did she say anything else to you with reference to what you should do, if you had difficulties and to whom you should go?
A. I believe Mr. Dewey Atchison did.
Q. What did he say?
A. He asked us why we didn't bring our difficulties to him instead of taking them to a bunch of foreigners.
Q. What was your answer to that?
A. We told him that we had took our difficulties to our instructor many a time about our prices on certain garments that we made but that it didn't do any good.

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p. 1474 Q. Did you subsequently, a day or two afterwards, after that, have a talk with this same Mrs. Gnotta that took you up there?
A. Yes; the following day, I believe, Mrs. Gnotta came and talked to me.
Q. What did she say?
A. She tried to persuade me not to join.
Q. What did she say? Just give us the substance of what she said as you recollect it?
A. Well, she asked me not to go to any more union meetings; she referred to the girls in our union as the scum from Donnellys; she said it was nothing but the scum from Donnellys that had started this union and that [fol. 5423] she did not [thini] I belonged to them and she asked me—it was around Christmas time and we were exchanging Christmas gifts and she asked me if I wouldn't consider giving her a Christmas present and tell her that I didn't belong to the union any more; that I wouldn't go to any more of their meetings.

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p. 1476 Q. Did you have a talk with any of your other instructors after you got over to that place?
A. Yes, I had a talk with Mrs. Allison.
Q. Who was Mrs. Allison?
A. She was my instructor at 26th and Walnut.

Q. Will you please state the substance of the [conservation] that you had with Mrs. Allison? A. Yes.

p. 1477 Q. What was it? First, what Mrs. Allison said to you and what you said to her?

A. Mrs. Allison came to me and asked me if I would tell her something she would like to know and I told her I sure would, I would tell her anything about myself that she would care to know and she told me it wasn't about myself, that she wanted to know if Lillian Wales belonged to the union.

The Court: What?

The Witness: If Lillian Wales had joined our union.

Q. And what did you say in answer to that question that was asked you by Mrs. Allison?

A. I asked Miss Allison why she didn't ask Lillian if she belonged to the union.

Q. And what did she say?

A. She said that she would but she never seen Lillian; she was over on 18th and Walnut.

[fol. 5424] Q. Did she say anything further to you in that conversation about your joining—first, did you say anything to her when she asked you about Lillian Wales joining the union?

A. Yes; she said that she didn't think I would be ashamed to tell her of any girl that belonged to our organization.

Q. By your organization she meant what?

A. The union, and I told her that we were not ashamed but very proud to have Lillian Wales in our union.

Q. Then what did she say to you, if anything, with respect to that?

p. 1478 A. She said that she didn't think that I would have joined the Union if it hadn't been for Virginia Stroup and I told her that I thought I had a mind of my own; I didn't ask Virginia, and I felt if I belonged to the union

it was because I, myself, had wanted to join it.

Q. Did she say anything further to you?

A. Yes; Lillian Wales and I had started in a beauty course, taking a beauty course and she told me that we needed our jobs to go ahead with our beauty course and that if we joined it that we would lose our job and would not be able to continue with our beauty course.

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p. 1480 Q. What happened to you subsequent to that? How long did you remain working at that place at 26th and Walnut?

A. Well, they closed down the building and laid us all off.

Q. How soon after this talk which you had with Mrs. Allison?

A. Well, it was—I had that talk with Mrs. Allison, I believe in January and in June we were laid off.

Q. Did you remain at that other shop during all the time down to June when you were laid off?

[fol. 5425] A. I was at 26th and Walnut when I was laid off, and up until I joined the union and had the talk with Mrs. Reeves I worked at 18th and Walnut.

Q. Did you remain at 26th and Walnut all the time up to the time that you were laid off?

A. Yes, sir.

p. 1481 Q. How long were you laid off?

A. I never got back.

Q. Did you ever try to get back?

A. Yes. For three months I called Miss Hyde,—Ella Mae Hyde,—she was the one we always called in for employment or when we went back to work.

Q. When you were laid off was there anything said to you about coming back again and working for the company or not?

A. Yes; when we were laid off they closed down that whole building.
Q. And how many people were in that building?
A. I really couldn't say.
Q. Could you approximate the number? Was there as many as 100 or 50 or how many?
A. Well, I really couldn't say.
Q. You couldn't estimate it?
A. No, I am afraid I couldn't.
Q. What floor were you on in that building?
A. I don't remember whether it was the third—the third, I believe.
Q. How many sections were there in the building?
A. There was one section in the building.
[fol. 5426] Q. How many machines in the section?
A. I couldn't say that either.
Q. Could you approximate the number? Could you estimate it?
A. I am afraid I couldn't.
p. 1842 Q. Who did you first talk to about coming back to work there?
A. To Mrs. Allison when we were laid off. No, I believe I went to Miss Hyde and got my check and I asked her when I should come back to work and she said that I could call in, in two weeks; that is when we usually took our two weeks vacation.
Q. Did this include your vacation time,—this lay-off?
A. Yes, I believe so.
Q. Did you call Miss Hyde afterwards?
A. After my two weeks was up I called in to Miss Hyde.
Q. Yes, and did you talk to her over the telephone or talk to her personally?
A. Well, I called her on the telephone because I didn't have the car fare to go down there.
Q. And what did she say to you?
A. She said that they didn't have any work for me.

Cross Examination.

By Mr. Hogsett:

p. 1496 Q. In this group that was laid off when you were laid off, how many were in that group?

A. I can't say altogether; I think about twelve or fifteen.

Q. And the whole group was laid off at one time?

A. Yes.

[fol. 5427] Q. It was a whole section, as a matter of fact, was it not?

A. Yes.

p. 1497 Q. It wasn't a picking out of you or just one or two girls; it was a laying off of the whole section?

A. Yes, but they replaced a lot of girls over at the other building when they closed down this building, too.

Q. Would you just as soon answer the question. It was a lay off of a whole section, is that right?

A. Yes, sir.

Q. And that section included how many people?

A. I couldn't say.

Q. Roughly? A section is at least forty, isn't it?

A. Yes.

Q. Well, then, it was at least forty people that were laid off at the same time?

A. Yes.

Q. And most of those were non-union employes?

A. Yes, but that is what I am trying to tell you.

Q. You see you are arguing with me again and all I asked you was the simple question, whether most of them were non-union employes.

A. I am sorry.

Q. How many non-union employes were there in that group?

A. I couldn't say that either, because I don't remember.

[fol. 5428] Q. How many union employes were in that forty group?

A. I just got through saying I think there were twelve; I couldn't say for sure, twelve or fifteen.

(Witness excused).

[fol. 5429] (N.R.A.—J.M.C Exhibit 6.)

Date 7-6-39—Witness.....

Objection and motion to strike of respondent and intervenor to the testimony of David Dubinsky, et al., offered by the board from the "Judge Miller Case."

Respondent and intervenor severally object to all and every part of the testimony offered herein by the Board, referred to as the "Judge Miller Case" testimony, being portions of the testimony taken before Judge Miller in the District Court of the United States for the Western Division of the Western District of Missouri, in the case entitled Donnelly Garment Company, et al., vs. International Ladies' Garment Workers' Union, No. 2924, to wit: all the testimony of David Dubinsky, Meyer Perlstein, Thelma Owen, Lillian Wales, Frances Riedel, and contained in N.R.A. and J.M.C. Exhibit 5-A to GG, at pages 1 to 33 inclusive, and object to each and every question and answer therein set forth, and move that the testimony of each of said witnesses and that each and every of said questions and the answers thereto be excluded and stricken and not considered as evidence in this proceeding (this objection and motion going to each question and answer separately as well as to the testimony of each of said witnesses as a whole) for each and all of the following reasons, to wit:

That said testimony deals with and refers to matters which purport to have existed or occurred prior to July 5, 1935, and said testimony and each and every question and answer thereof is immaterial and irrelevant to any issue in this proceeding and deals with matters purporting to have existed or occurred prior to the enactment of the National Labor Relations Act; that the conditions, acts and conver-

sations testified to by said witnesses, if they existed or oc-
[fol. 5430] curred, were lawful at the time they existed or occurred, and the fact, if it is a fact, that such things existed or occurred or that respondent or any of its representatives may have done or said or authorized any of such things, at the times referred to, or when same were lawful, carries no imputation and does not tend to prove that the respondent (or intervenor), or any one representing either of them, would violate or has violated the National Labor Relations Act after its enactment, or that they would or did commit, authorize, or do, after the enactment of said Act, any of the acts or unfair labor practices alleged in the complaint herein, and such testimony is therefore conjectural, speculative and irrelevant as to any issue in this proceeding; and for the further reason that there is no showing that the persons testifying or referred to in said testimony had authority to bind or speak for respondent (or intervenor) at said times, or if they had such authority at said times, there is no showing that such authority continued after the enactment of the National Labor Relations Act or that respondent handled or managed its business or the various departments thereof in the same way or by the same division of authority after the enactment of said Act as it did at the times said testimony was given or that what was said by said witnesses applies to conditions in respondent's business or the methods of handling same since the enactment of said Act and hence said testimony is too remote, is not binding upon respondent or intervenor, is immaterial, irrelevant, conjectural, and without probative value as to any of the matters here in issue; that there is no charge in the complaint of any discrimination by respondent against said witnesses or the persons referred to [fol. 5431] in said testimony; that said testimony is hearsay and states conclusions; that the Donnelly Garment Workers' Union was not then in existence or even contemplated and said testimony can have no bearing on the question of whether said union was formed, dominated or maintained by respondent or whether it represents the free will and choice of respondent's employees as their bargaining agency; that said testimony does not tend to prove or disprove any issue in this proceeding, and, if received, would require extended testimony on the part of respondent and intervener to refute such irrelevant and immaterial

testimony, all of which would needlessly encumber the record; that for each and all of said reasons, the reception or consideration of said testimony in this proceeding would be improper, illegal and prejudicial to respondent and intervenor.

Objection is overruled and the motion to strike is denied.

Dated: July 5, 1939.

JAMES C. BATTEN,
Trial Examiner.

Acceptance of the testimony is not intended to enlarge the issues as defined by the pleadings or to reverse rulings heretofore made with respect to the introduction of evidence upon certain subjects.

[fol. 5433] (N.R.A.—J.M.C. Exhibit 8.)

Date 7-19-39—Witness.....

Intervenor's Offer of Evidence from Record of Injunction Suit Before Judge Miller.

United States of America

Before the National Labor Relations Board.

Seventeenth Region.

In the Matter of

Donnelly Garment Company
and
International Ladies' Garment Workers' Union,
and
Donnelly Garment Workers' Union, Party to the Contract.

Case No. XVII-C-371.

Comes now the Intervenor, Donnelly Garment Workers' Union, pursuant to the stipulation heretofore filed in this cause, and offers the testimony of the following named witnesses, as the same was taken and appears in the transcript of proceedings in the case before the Honorable Andrew Miller, United States District Judge, entitled "In the District Court of the United States, for the Western Di-

vision of the Western District of Missouri—Donnelly Garment Company, et al., vs. International Ladies' Garment Workers' Union, et al., Donnelly Garment Workers' Union, Intervenors, case No. 2924". True copies of said testimony, marked Exhibits (a) to (m) are attached hereto and made a part hereof.

Exhibit (a), testimony of Fred B. Brown
Exhibit (b), testimony of Effie Weigand
Exhibit (c), testimony of Eleanor Swigart
Exhibit (d), testimony of Maud Fisher
Exhibit (e), testimony of Velma Wooley
Exhibit (f), testimony of Walter Higgins
Exhibit (g), testimony of Ora Wachtel
Exhibit (h), testimony of Anna Reece
Exhibit (i), testimony of Harold Boyd.
[fol. 5434] Exhibit (j), testimony of Emily F. Miles
Exhibit (k), testimony of Eunice Corum.
Exhibit (l), testimony of Alma Murphy.
Exhibit (m), testimony of Cameron Herold.

Intervener offers said testimony in proof of the matters therein testified to by said witnesses, with the same force and effect as though said witnesses were personally present, sworn and so testified in the instant proceeding. Should said testimony or any part thereof be excluded, Intervener offers to produce each of said witnesses in person and to prove by each such witness all matters as to which the testimony of such witness is so excluded.

GOSSETT, ELLIS, DIETRICH & TYLER,
Attorneys for Intervenor.

Received copy 19th July, 1939.

DANIEL J. LEARY,
CLIF LANGSDALE,
REED & INGRAHAM
For Donnelly Garment Co.

See Rulings of the Trial Examiner, Bd's Exh. 1-SSSSS.

J. C. BATTEN,
Trial Examiner.

[fol. 5435] Exhibit (a)

FRED B. BROWN, called as a witness on behalf of the Intervener, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Tyler:

p. 1087 Q. Will you state your name, please?
A. Fred B. Brown.
Q. You are connected with the Donnelly Garment Company? A. Yes, sir.
Q. In what capacity? A. Cutter.
Q. How long have you been with them, Mr. Brown?
A. Nineteen years and eight months.
Q. Did you have any personal knowledge of a labor situation existing involving some violations at the Gordon, Gernes, and Missouri Garment Companies in Kansas City in March 1937?

Objection—immaterial.

A. Yes, sir, I saw some of it.
Q. Did you see any of the events that happened at that place?

Objection—immaterial.

A. Yes, sir.
Q. How did you happen to see them?

Objection—Immaterial.

A. On my way to work one or two mornings—I had read about it in the paper and I had seen pictures of the girls having mix-ups over there, so I was naturally curious, so I stopped by two mornings.

Q. Tell the Court what you saw the first morning down there?

Objection—Immaterial.

A. I was standing across the street. There seemed to be picket lines, twenty-five or thirty girls walking around in a circle around in front of the opening to this door. Once in a while two or three girls would come down the street and try to gain entrance to the building, and just as they would start in the building these pickets would all rush towards her and all it seemed to me like pull in different directions on her clothes, pull her hair; they would pull her coat off her, and throw her hat out in the street, and after she was down on the pavement they would kick her.

p. 1088

Q. Was anybody with you on either of these occasions?

Objection—Immaterial.

[fol. 5436] p. 1088 A. No, sir, I was alone.

Q. Did you or did you not see anyone in the crowd of pickets around the plant whom you knew to be connected with the International Ladies' Garment Workers' Union?

Objection—Immaterial.

A. Yes, sir, I did.

Q. Who was it?

Objection—Immaterial.

A. A fellow by the name of William Shannon.

Q. How do you know he was connected with the International?

Objection—Immaterial.

A. Because previously he had called on some of the boys to try to get them to join the Union.

The Court: The International Union?

The Witness: Yes.

Q. Did you hear Bill Shannon say anything about the present difficulties in connection with the Donnelly plant?

Objection—Immaterial.

A. Yes, sir, I did.
Q. What was it?
A. I was across the street standing there looking at the mix-up across the street, and he came back across the street and he saw me standing
p. 1089 there. He knew me personally because he had previously worked at the Donnelly Garment Company. He said, "We are coming down to organize you cutters next, down at the Donnelly."
Q. Did you hear any further statement by any of the pickets of that general nature?

Objection—Immaterial.

A. No, I don't think I did.
Q. Did you see any instance in which the police would pick up any of these people causing disturbances?

Objection—Immaterial.

A. Yes, sir.
Q. What would happen that you saw?

Objection—Immaterial.

[fol. 5437] p. 1089 A. Well, when they would have a fight or anything like that, the police would gather up certain girls that were doing most of the fighting and they would put them in the patrol wagon. They would stand there until they would get some in the patrol wagon and then drive down the street. While I was standing there I could see the girls they had taken away walk back up. They had taken them two or three blocks away and let them out of the patrol wagon.
Q. Did you see that happen more than once?

Objection—Immaterial.

A. Yes, sir, I saw it both mornings I was there.
Q. Do you remember any newspaper advertisement that was generall talked about at the Donnelly plant about that time?

Objection—Immaterial.

A. Yes, sir.
Q. What did it say in substance?

Objection—Immaterial, incompetent, hearsay, not best evidence.

A. It said they were organizing the smaller places in order to get ready for Donnellys, they were coming down and get Donnellys and show them the same way that they did
p.1090 these smaller ones.
Q. What effect, if any, did those police and those newspaper advertisements have on the employees at the Donnelly plant?

Objection—Immaterial and incompetent.

A. Naturally it upset the whole plant.
Q. Did they take any action as the result of that?

Objection—Immaterial and incompetent.

A. I think they did, yes.
Q. What was it?

Objection—Immaterial and incompetent.

A. A committee of three persons, they went down to talk to attorneys to see if there was any way they could get an injunction to prevent them from harming us.
Q. Do you remember the publication in the newspapers of the Supreme Court's action on the United States Labor Relations Act?
A. Yes, sir.
Q. Before that time had anybody so far as you know ever had any idea of forming a labor union of their own there?
A. No, sir.
Q. When was the first time that idea was suggested, to the best of your knowledge?

[fol. 5438] p. 1090 A. After the Supreme Court had declared the Wagner Act constitutional.

Q. Do you recall any statement in the newspaper about Sylvia Hull going to Atlantic City to represent the Donnelly employees at a convention of the International Ladies' Garment Workers' Union?

A. Yes, sir, I read it in the newspaper.

Q. Did you ever attend or hear of any meeting at which Sylvia Hull was selected or author-

p. 1091 ized to represent the Donnelly employees in an International Union?

A. No, sir.

Q. Did that have any effect on the employees, to the best of your knowledge and belief?

Objection—Immaterial and incompetent.

A. Yes, it excited them because they had never authorized anyone to act in their behalf, and they didn't know what had happened.

Q. Do you recall the occasion of the meeting of employees at which the Donnelly Garment Workers' Union was organized?

A. Yes, sir.

Q. Were you present?

A. Yes, sir.

Q. Can you give the date of that meeting?

A. It was the 23rd of April, 1937.

Q. Where was the meeting held?

A. On the second floor of the Corrigan Building.

Q. Was that second floor at that time leased or rented or controlled by the Donnelly Garment Company?

A. No, sir.

Q. Who did control it or lease it, do you know?

[fol. 5439] p. 1091 A. The Corrigan estate.

Q. Do you know whether the Donnelly Garment Workers' Union made any arrangements with the Corrigan estate for the right to use the building for this meeting?

A. Yes.

Q. Who made those arrangements?

A. Hobart Atherton.

Q. Tell the court what happened at that meeting you have referred to.

A. A notice came around that there was going to be a meeting after work, after four-thirty, on the second floor, and everybody, of course, was excited at that time and they were naturally anxious to attend, so they had most of the factory there—probably some in the office that weren't there as they don't quit work until five o'clock. Miss Todd presided at this meeting. When the meeting was called to order she told them that Mr. Tyler was there to explain different things about organizing a union. She first took a vote as to whether this union should be formed. Of course, it was passed unanimously.

Q. You say "Of course, it was passed unanimously." What do you mean by that?

A. Because everybody was anxious to form their own union; they were eager to vote for this union because it—

Objection and move to strike—not responsive.

Q. Well, isn't it a fact that a lot of them had not yet heard that a union was being considered?

A. No, that is right.

Q. What were they anxious about?

A. To get protection.

Q. Go ahead.

A. Mr. Tyler got up and talked to the whole organization and he read some by-laws.

Q. Were there any votes taken?

[fol. 5440] p. 1092 A. Yes, there were votes taken as to whether the union should be formed, and that also was by unanimous vote. After they voted to form the union she was authorized to appoint a nominating committee that would go out and present to the people for

p. 1093 nomination—I mean, to appoint a nominating committee and this nominating committee was to go out and pick several people from the organization to represent different departments and to be official representatives

of their union. And when they were out Miss Todd passed around cards that had on them, "We hereby wish to be the charter members of the Donnelly Garment Workers' Union." She asked them to sign these cards and to take their time and think about it and not to hurry about it. While they were out Mr. Tyler read the by-laws that he had prepared for this meeting.

Q. Do you remember whether I said anything about whether you should adopt these by-laws or not?

A. No, you didn't say we should; you said we should think about it and consider it before adopting them.

Q. Did I say to the people in that meeting, "I am telling you to organize this union and you better organize it?" or did I say to them, "This is your own problem and you should use your own judgment about it?"

A. You said it was our own problem, that we weren't forced to do that.

Q. Do you remember whether I read any part of the Wagner Act to the meeting down there?

A. Yes, I think I remember that.

Q. Mr. Brown, were you selected for any special duty at that meeting?

A. Yes, sir.

Q. What was it?

A. I was on one of the first committees; I was
p. 1094 chairman of one of the first groups.

Q. What do you mean by "chairman"?

[fol. 5441] p. 1094 A. They have group chai nen they call them of the union, of our union.

Q. Why is that term applied to them?

A. Well, because they were chosen from each department and there was a kind of a chairman, and there were nine of them chosen. We tried to choose them to represent each department in the building.

Q. Thereafter were you selected for any additional duty in connection with the union?

A. Yes, sir.
Q. What was it?
A. A week later we had a meeting of the chairmen and I was appointed treasurer of the Donnelly Garment Workers' Union.
Q. How long did you act as treasurer?
A. One year.
Q. What sources of income or money did the Donnelly Garment Workers' Union have?
A. We had our dues and we would give parties and dances and carnivals and we raised money that way. We also had one assessment of One Dollar during the time I was treasurer.
Q. Did the Donnelly Garment Workers' Union have any other source of income to your knowledge?
A. Not to my knowledge.
Q. Did they ever get a cent directly or indirectly from their employers?
A. Not one cent.
Q. How much were the dues?
A. Twenty-five cents a month.
Q. How much was the assessment?
[fol. 5442] p. 1095 A. One Dollar.
Q. How much did it cost an employee to belong to the Donnelly Garment Workers' Union the first year.

Objection—immaterial.

A. It cost them $4.00 the first year.
Q. Did you hear the testimony of Velma Dowdy from this stand concerning what she paid as dues to the International Ladies' Garment Workers' Union in Memphis, Tennessee?

Objection—immaterial.

A. Yes, sir.
Q. Have you figured out how much the employees of the Donnelly plant saved by having their own union over the minimum they would have to spend as a member of the International?

Objection—immaterial.

A. I have.
Q. How much?

Objection—immaterial.

A. Close to $31,000.00 the first year.
Q. Is there any reason to think they might have saved more than that?

Objection—immaterial.

A. Yes.
Q. What is it?

Objection—immaterial.

A. Our rate of pay is much higher than the rate of pay in these other factories, and naturally they would force us to pay more dues; and also we are not reequired to pay a fine when we miss a meeting, and they were.
Q. State to the Court in general what the items of expense of the Donnelly Garment Workers' Union were while you were treasurer? I don't mean the exact amounts, but tell what you spent money for?
A. We paid our attorney; we paid for the printing of the briefs of these trials; we paid the rent on our hall where we held our meetings; we paid the rent when we would have to use it
[fol. 5443] for a party, we would pay the hall rent there, and we paid our chairman her salary, and also the salary of the secretary, and also the
p. 1096 salary of the treasurer.
Q. Did you mention any printing expense?
A. The printing of the briefs; we paid for the printing of the briefs for all the trials.
Q. You mean the briefs of the Donnelly Garment Workers' Union?
A. Yes.
Q. How often does the union hold its meetings?
A. We are scheduled to hold a meeting once a month, the second Tuesday in the month.
Q. How often do you hold them?

A. We hold them every month. It isn't often we miss a month.
Q. Are they well attended?
A. Yes.
Q. Generally have people standing up at them?
A. Yes.
Q. How often does the executive committee of these group chairmen hold meetings?
A. When I was included in the group chairmen we held meetings twice a month. Sometimes if the occasion arose we held meetings oftener.
Q. What do you do at those meetings?
A. We take up the complaints that have been given to us during the time since the last meeting we had; we decide what to do to raise our expense money, and also to arrange for all the parties we have, and things like that.

[fol. 5444] p. 1097 Q. Do you or do you not have suggestions from members of the union to that committee?
A. Yes.
Q. Frequently or seldom?
A. Well, very frequently.
Q. Were you present when the working agreement between Donnelly Garment Workers' Union and the employers was entered into?
A. Yes, sir.
Q. Do you remember the date of that?
A. Well, I think it was April 27—I don't know the exact date on it.
Q. Do you remember about how long after the union was organized that working agreement was presented to the employers?
A. It was about a month after.
Q. Where was that presented and that working agreement made?
A. In Mrs. Reed's office.
Q. Who were present?
A. The entire first committee and Mrs. Reed, Mr. Green, Mr. Baty, Mr. Keyes, Mr. Ingraham, Miss Todd, Mamie Riddle, Jack Mc-

Conaughey, Hobart Atherton, Charlotte Casey.

Q. Was I present?

A. Yes, sir, Mr. Tyler was present.

Q. Tell the Court what was done at that meeting.

[fol. 5445] p. 1097 A. They gave this working agreement to Mrs. Reed and her associates and she asked to read it over and would let us know later on what they would do about it.

Q. What did they do about it?

A. They took it and took it into consideration, and at two o'clock they called us together again, and that is when the agreement was signed.

The Court: We will recess now until two o'clock.

(Whereupon, the court stood at recess until 2:00 p. m.)

Thursday, April 6, 1939.
2 p. m.

(Pursuant to recess, Court reconvened and the trial resumed.)

Fred V. Brown resumed the stand and further testified as follows:

Direct Examination.

By Mr. Tyler:

Q. Mr. Brown, state whether you saw any pickets in the entry way of the building at the Gernes, Gordon and Missouri plants.

Objection—immaterial.

A. Yes, sir.

Q. What were they doing?

Objection—immaterial.

A. Well, I drove by there one night or several nights and I saw them; they had cots and they were lying in the lobby of the building, right in front of the door; they were sleeping there at nights.

Q. I believe you testified that you were present when the working agreement was presented by the committee of the Donnelly Garment Workers' Union to Mrs. Reed?

A. Yes, sir.

Q. Were you or were you not present when the wage agreement was presented to Mrs. Reed?

[fol. 5446] A. I was.

Q. Can you remember what date that was?

A. June 22nd.

Q. And where was that?

A. That was in Mr. Tyler's office.

Q. Who was present at that time?

p. 1100 A. Well, there was Mrs. Reed, Miss Francis, that is Mrs. Reed's secretary, and Mr. Baty and then the members from the committee was Miss Todd, Miss Green, Mr. Hobart Atherton and myself.

Q. Was any substantial amount of work done on that wage agreement before it was presented?

A. Yes, there was.

Q. How much discussion was had before it was signed, if you remember?

A. Well, it seems to me as well as I can remember that there was quite a bit that afternoon and beforehand, too, before we went up there.

Q. Did the employees of Donnelly Garment Company get any benefits from the working agreement and the wage agreement executed with Mrs. Reed, that they did not have before that?

A. Yes, they did.

Q. State some of them?

A. Well, there was a substantial rise in the absolute minimum all over the plant. In several different departments—well, there was just a lot of wages raised right after the agreement was signed.

[fol. 5447] p. 1100 Q. Do you think of any other benefits?

A. Well, I cannot think.

Q. Anything done about vacations or holidays?

A. Yes, we were given five days of holiday vacation, that is we were allowed Decoration Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas and those holidays that were allowed in the contract.

Q. Do you mean that you got paid for those holidays?

A. Paid for those holidays, yes sir.

Q. What about vacations? Any change made about vacations?

A. Yes. Before the operators were allowed one week's vacation with pay and after the agreement was signed two weeks with pay.

Q. Do you know any individuals whose pay was actually increased as a result of that contract and wage agreement?

A. Yes, my own.

Q. Has your work on that committee been in good faith in an effort to protect and increase the advantages of the employees or has it been a mere sham and make-shift?

Objection—immaterial.

A. No, sir, it has been to protect and to benefit the employees as well as I could.

Q. If Mrs. Reed or anybody connected with the ownership of that plant should urge or ask you to endeavor to dissolve the Donnelly Garment Workers' Union would you do so?

Objection—immaterial.

A. I would not.

Q. Why not?

Objection—immaterial.

[fol. 5448] A. Although I respect Mrs. Reed very much, I do not feel that we could do the employees that way; we feel obligated for all the employees in the building and also for my own position.

Mr. Tyler: That is all.

Mr. Walsh: No questions.

(Witness excused).

[fol. 5449] p. 1171 Exhibit (b)

At 10 a. m. Friday, April 7, 1939.

(Pursuant to recess Court reconvened and the trial resumed.)

Mrs. Effie Weigand called as a witness on behalf of the Interveners, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Tyler:

Q. State your name please.
A. Mrs. Effie Weigand.
Q. You are a widow?
A. Yes, I am.
Q. You have four children?
A. I do.
Q. And you have been the support of that family for how long?
A. For a period of a little over six years.
Q. By whom are you employed?
A. I am employed by the Donnelly Garment Company.
Q. How long have you been employed by that Company?
A. A little over two years.
Q. Tell the Court for whom you worked before you worked for the Donnelly Company?
A. Before I worked for the Donnelly Company, I worked for Morris-Caplan at 9th and Broadway, maker of coats and dresses, and the Burlington Overall Company.
Q. How long, about, did you work for Morris Caplan?
A. About two years.

Q. Who did you work for before you worked for Morris Caplan?

[fol. 5450] p. 1171 A. For the Burlington Overall Company.

p. 1172 Q. About how long did you work for them?

A. Approximately one year.

Q. And who did you work for before that.

A. For a Miller Company in St. Joseph, Missouri.

Q. About how long?

A. Well, I was there just off and on. Working steady, I was there about a year.

Q. What did they manufacture.

A. They manufactured overalls and jackets, and suede jackets, suede cloth, men's garments.

Q. And who did you work for before that, Mrs. Weigand?

A. Well, there was a period of seven years that I was at home. The only outside work I did, I was a substitute rural letter carrier in northwestern Iowa.

Q. Before that, had you worked for anyone in the clothing industry?

A. Yes, I have worked there. I began working about 26 years ago. Well, no, 27 years ago; I worked for Smith McCord in Kansas City; for the Donnelly Company; John S. Brittain Company in St. Joseph; The Richardon Company, the Tootle-Campbell.

Q. Mrs. Weigand, tell the Court how working conditions in the Donnelly Plant compare with working conditions generally in these other places in which you have been employed.

Objection—immaterial.

A. Working conditons in the Donnelly Garment Company are far superior to any conditions I have ever known anywhere that I have ever worked.

p. 1173 Q. Do you know about what you could earn in other Garment factories, from your past experience, over a number of years?

Objection—immaterial.

A. Yes.

Q. Just tell the Court what difference it makes to you personally to work for the Donnelly Company rather than other garment companies?

Objection—immaterial.

[fol. 5451] p. 1173 A. Well—other companies, the work has been so uncertain. My wages—I never have received a guarantee at any of these places. Even though I did at different times belong to a union, I was never given a guarantee. I never could average over $13.00 a week, the year round. I never have been able to.

Since being with the Donnelly Garment Company, I have averaged $22.50. My guarantee is $22.50, and I have received from that up to, I believe $39.78. And the difference has provided all of the necessary things. It's provided me a home with a higher standard of living for my children; made it possible for me, since I have been with the Donnelly Garment Company, it has made it possible for me to regain ground I lost while out of work. The difference in my guarantee with the Donnelly Garment Company and what I would ordinarily receive at $13.00 a week, I believe will pay my entire monthly budget for my home, the note on my home, my coal, my lights, my bus fare, the insurance on my household goods on my home. And I believe I mentioned my coal for the winter; in fact in my interpretation, everything except the clothing and food necessary for my children, my family.

p. 1174 Q. And your past experience leads you to believe, based on that experience, what you would actually get, in fact, if you worked for other garment companies, would have been either $13.00 or less. Is that correct?

Objection—immaterial.

A. My past experience makes me feel very sure of that, that I would receive no more.

Q. What are you receiving at the Donnelly Company?

Objection—immaterial.

A. I am receiving a guarantee for $22.50 for 40 hours' work.

Q. What are you actually making?

Objection—immaterial.

A. When we have plenty of work, where there is given all we can do, I average around $25.00 a week; and overtime gives me at the rate, approximately, at the Donnelly Garment Company, around up as high as $39.78.

Q. Dropping out of consideration any differences in the pay you get at the Donnelly Plant, and that you would get elsewhere, I want you to turn your attention to the matter of membership in unions. Do you know about what you would have to pay if you were a member of the International Ladies' Garment Workers' Union?

Objection—immaterial.

A. Yes. I am judging—from the statements made in this Court by Velma Dowdy.

Q. Tell the Court what difference it means to you personally to belong to the Donnelly Garment Workers' Union, rather than the International Ladies' Garment Workers' Union?

Objection—immaterial.

[fol. 5452] p. 1175 A. The first year, the difference, of course, is the fees, which is very important to me since I am the sole support of my family—the dues that I would have to pay the International. I would have to pay a difference of $30.00 for the first year. There would be that much difference in what I would pay

the International and what I paid the Donnelly Garment Workers' Union.

Q. Tell the Court how you figure out that difference.

Objection—immaterial.

A. Well, I judged by Velma Dowdy's testimony, and I took from what I actually paid to the Donnelly Garment Company, figured it up for the year; and the difference in that pays my hospitalization for myself.

Q. You said the difference in what I paid the Donnelly Garment Company. Do you mean the Donnelly Garment Workers' Union?

Objection—immaterial.

A. The Donnelly Garment Workers' Union.

Q. All right.

Objection—immaterial.

A. The difference pays the hospitalization for one year for myself and two children; and pays for one year my sick benefit, which I have used two years, needed to use on two different occasions. It pays my death benefit for $1,000.00 for one year. I receive all that protection for that $30.00, I would ordinarily pay the International Union.

Q. Did you ever have sick benefit protection before you were with the Donnelly Company.

Objection—immaterial.

A. Never in my life before.

p. 1176 Q. Did you ever see any spy system at the Donnelly Company's?

Objection—immaterial.

A. Absolutely not.

Q. Did you ever see any caste system down there?

Objection—immaterial.

A. Never.

Q. Did you ever see any evidence of any pressure put upon employees as to whether they should join any union or stay out of any union?

Objection—immaterial.

[fol. 5453] p. 1176 A. Never been discussed that I ever heard by the company, or anyone concerning the company.

Q. What is your personal preference as to whether you would prefer to belong to the Donnelly Garment Workers' Union or the International Ladies Garment Workers' Union?

Objection—immaterial.

A. My preference is that I would rather belong to the Donnelly Garment Workers' Union.

Q. You have told us, I think, what difference it makes to you financially. Have you any other reason for that preference?

Objection—immaterial.

A. Well, a woman in my position, there is hardly time in a week, hardly enough evenings in a week to take care of all the needs of the family, after spending your day making a living. I am only required to attend meetings one evening a month, and that is immediately after working hours, very convenient for us. I ordinarily would have to miss one meeting which the International has, for they have two meetings a month. For that meeting I missed, I would have to pay a fine of fifty cents.

And I would never be called on strike. My time is taken all up by my family, and neces-
p. 1177 sarily, it's a big problem, and it requires all of the strength and nervous energy I have; and I have no fear whatever of being called out on strike.

Q. What about your feeling of satisfaction with the methods of one organization as against the methods of another?

A. Well, I am not in the least in sympathy with the International methods.

Q. What have you to say of their methods?

Objection—immaterial.

A. While working at the Caplan plant, I have sat in the window during lunch hour and seen a great number of women attacked, knocked to the ground, to be picked up and put in an ambulance and attended by an intern. I have also seen several women attack a man, seen them rolling and fighting in the street, and I feel that is not right for a woman that is trying to set an example to a family.

Q. Have you ever seen the Donnelly Garment Workers' Union use any such methods?

Objection—immaterial.

A. There would be no such methods permitted.

(Witness excused.)

[fol. 5454] Exhibit (c)

Mrs. Eleanor Swigart called as a witness on behalf of the interveners, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Tyler:

p. 1178 Q. State your name. A. Eleanor Swigart.

Q. You are the same person as Eleanor Duett, are you not? A. That is right.

Q. That used to be your name? A. Yes.

Q. Where are you employed, Mrs. Swigart?

A. The Donnelly Garment Company.

Q. How long have you been with that company?

A. Well, I have been there approximately seven years. I was working at Gernes two years out of that time, however.

Q. I think you better talk louder.
A. I worked at Donnelly's for about seven years, and out of that seven years, I spent about two years at the Gernes Garment Company.
Q. In Kansas City, Missouri? A. Yes.
Q. About what were the dates of your employment at the Gernes Garment Company?
A. Well, I left Gernes the 26th of April, or the 25th of April.
Q. What year?
A. 1937. I was there two years prior to that date.
p. 1179 Q. During your time at the Gernes Garment Company, were there any labor troubles in connection with that company?

Objection—immaterial.

A. Yes, there was.
Q. Did you have any personal experience with strikers or people who were endeavoring to disrupt the freedom of walking to and from employment of the employees there?

Objection—immaterial.

A. I did.
Q. Tell the Court what it was.

Objection—immaterial.

A. Well, the International Ladies Garment Workers' Union called a strike at the Missouri, Gernes and Gordon companies, and they were all situated in the same building at 26th and Grand. The fighting was so terrific, girls were knocked down, hats torn off heads, purses snatched. It was so bad, I got in the habit of waiting on the corner of 27th and Walnut before going in. If I waited up there until about nine o'clock, by that time a number of pickets would have been taken away in patrol wagons. One particular morning, I was up there, and it was around, I would say, quarter of nine, and three girls

[fol. 5455] approached me from the rear. I didn't know they were there. I heard someone say: "Get that girl. She is from Donnelly's". About that time, someone grabbed me, whirled me around, hit me in the face, and told me "to get the hell home, and stay there, if I knew what was good for me". I was kicked. I was hurt pretty badly. I would have liked to hit back, but I didn't. The girls were not allowed to hit pickets back. If they did, they were taken to the patrol wagon in the streets, the same as the pickets were.

p. 1180 The reason we used the rear entrance, the pickets had taken their position in the lobby on Grand Avenue. They were in there two or three days and nights, took cots in there, and stayed there all the time. If they went out, they had to stay out, so they stayed in. They didn't have access to rest rooms, so they were finally asked to move out by the Board of Health.

If the girls were successful in getting in, they had to worry about how they were going to get out. It was really pathetic to see girls go all to pieces after they had gained entrance. Some would become completely hysterical and have to be put to bed, and others were so nervous, some weren't even allowed to come to work.

About the time for us to leave, there was usually a large group of pickets and sympathizers standing outside. It was always said they were going to have enforcements from the Chevrolet plant, and other plants, and there would be a large group of men out there. My knees used to buckle when I started home, because I was afraid I might collapse on the street when I was going home. I was hurt pretty bad, it was my leg that was hurt pretty bad when I was kicked. I had to go to a doctor, and after

I had seen him, to take a cab to the factory. I couldn't find a taxicab driver that would take me to 26th and Grant. The pickets had been sprinkling tacks on the street, breaking taxicab windows, so that they were not al-
p. 1181 lowed to take us up there.

Q. How long did that injury bother you that you spoke of?

Objection—immaterial.

A. It bothered me for about six weeks, the bruise was infected on the inside. Mr. Gernes asked all of us girls to be sure and come to work every morning, that it was really necessary if we intended to win this battle with the International Ladies' Garment Workers Union. The girls would come in. They were risking their lives, I would say, because they could have had permanent injuries. After they had all had clothes torn off them, been hit and hurt, some had hair pulled out in pieces as large as a nickel; after they had gone all through that, and stood by their employer, he signed with the International without even consulting the girls.

We came in one morning and were allowed to come in the front entrance. One of the pickets said to me, "You might just as well have signed up with me anyway, because we'll be working with you soon." And I went upstairs and cried because I didn't want to belong to the International Ladies' Garment Workers' Union.

Q. How about the employees as a whole, did they want to join the International?

Objection—immaterial and incompetent.

[fol. 5456] A. No. Women don't usually work unless they feel they need the money, and if they don't have another job in view, naturally
p.1182 they have to take those things, but I don't

believe the majority of the girls wanted to join the union.

Q. Do you now belong to the Donnelly Garment Workers' Union?

A. Yes, I do.

Q. Do you belong to that union of your own free will and accord or in some way was any pressure exerted on you to join?

Objection—immaterial.

A. It was not. I was very eager to join the union.

Q. Tell the Court what Mr. Gernes said to his employees when he finally signed up?

Objection—immaterial.

A. He stated he had signed up with them, but we didn't have to picket, we were exempt from that; we didn't have to meet with the same group of girls; we could have our own private meetings—in fact, it was a special charter for the Gernes Garment Company.

Q. What had he said before that about whether he was going to sign with the International?

Objection—immaterial.

A. He said he would not sign with them if the girls would stick by him and come to work every morning. He said possibly we could beat them and we wouldn't have to sign.

Q. In other words he said, if you will stick by us, I will stick by you.

Objection—immaterial.

A. Yes, he did. If any of us were hurt, if we were injured, we got medical attention.

Q. Did you see any movement among the employees who wanted to join the International before Mr. Gernes signed up?

Objection—immaterial.

p. 1183 A. No, I really didn't.

Q. To the best of your knowledge, it was against the wishes of substantially, or actually, all of them?

Objection—immaterial and incompetent.

A. Yes, it was, because when I was going back over to Donnelly's, there was girl after girl that asked me to please mention what they did in the way of working on machines, and so on, to see if they could be used at the Donnelly Garment Company.

Q. Is it a fact that practically all the girls there would like to get in the Donnelly plant if they could?

Objection—immaterial and incompetent.

A. I believe they would because they could make much more money, and it is a much cleaner plant.

[fol. 5457] Exhibit (d)

Mrs. Maud Fisher called as a witness on behalf of the Interveners, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Tyler:

p. 1184 Q. State your name, Miss Fisher?

A. Maud Fisher.

Q. Is it Miss or Mrs.? A. Mrs., I am a widow.

Q. Where are you employed, Mrs. Fisher?

A. The Donnelly Garment Company.

Q. How long have you been employed at that company?

A. Eighteen years.

Q. In what capacity are you now employed there? What do you do down there?

A. Operator.

Q. How long have you been an operator?

A. Eighteen years.

Q. Do you know Thelma Owen?

A. Yes, sir.

Q. Is she a member of the International Ladies' Garment Workers' Union?
A. Yes, sir.
Q. How do you know that?
A. She told me she was, and she also picketed with them in front of our plant.
Q. Do you remember any conversation that you had with Thelma Owen in the spring of 1937, about labor disputes and the Donnelly plant?
A. I do.
Q. About what was the date of that conversation?
A. Along about the first of April, as well as I can remember.
p. 1185 Q. Of what year?
A. 1937.
Q. Was it or was it not during the time that the trouble was going on at the Gernes plant?
A. During that time.
Q. Who was with you? Were any of them in the company?
[fol. 5458] A. Velma Woolley.
Q. Where did that conversation take place?
A. 13th and Troost.
Q. Kansas City, Missouri? A. Yes.
Q. Tell the Court what Thelma Owen said in that conversation:

Objection—immaterial.

A. She said: "We have always been good friends. I am going to give you a little tip. You better not drive your car Monday morning, because we will all be there, Fords, Cheviies, all be there, and we are going to upset all the cars, cut the tires off, and beat you up. And we are going to give Mrs. Donnelly one big 'go-around'. We are going to take Mrs. Wherry for a one way ride, and also Ella May Hyde. Mrs. White, she is my meat alone. I am taking her alone. You get good salaries, but you will have to sign up with us anyway. We are going to sign up the Donnelly Garment Company.

Q. Did she say whether she and employees of The Donnelly Company at the time said they wanted to join the International, whether the situation was different in other plants?

Objection—immaterial.

A. Better. She agreed it was.

p. 1186 Q. Who were these people she mentioned? She mentioned Mrs. Donnelly?

Objection—immaterial.

A. Yes.

Q. Who is that? A. Our employer.

Q. Mrs. Reed? A. Yes, Mrs. Reed.

Q. Who is Mrs. White?

Objection—immaterial.

A. She was our instructor.

Q. And you mentioned Ella May Hyde?

Objection—immaterial.

A. She is over the employment office.

Q. At the Donnelly Garment Company?

Objection—immaterial.

A. Yes.

Q. Did she say anything else in that conversation or have you repeated substantially the entire conversation?

Objection—immaterial.

A. Well, I believe that is the best of my knowledge.

Q. Did she say whether wages and working conditions were all right at the Donnelly plant?

Objection—immaterial.

[fol. 5459] A. Yes, she said they were.

Q. Mrs. Fisher, you have worked down at that plant a good many years?

A. I was taught to sew there, and I have never worked nowhere else.

Q. What about health conditions down there?

Objection—immaterial.

A. 100%.

Q. Did you ever have a breakdown from working there?

Objection—immaterial.

A. No, I never have had. I have worked there in such ease and enjoyment. I didn't realize like our troubles were outside. It told the girls last night, I just really relaxed and enjoyed myself.

p. 1187 I never dreamed of any trouble.

Q. Did you ever see any signs there of nervous breakdowns from overwork?

Objection—immaterial.

A. I didn't, no. We have one round of pleasure with our work all the time.

Q. Did you ever see any caste system down there?

Objection—immaterial.

A. No, sir.

Q. Did you ever see any speed up system?

Objection—immaterial.

A. No, sir.

Q. Did you or did you not join the Donnelly Garment Workers' Union of your own free will and accord?

Objection—immaterial.

A. I did.

Q. Do you know of anyone or any instance in which anyone was put under any pressure about that union in any way?

Objection—immaterial.

A. No, sir.

[fol. 5460] Exhibit (e).

MRS. VELMA WOOLLEY called as a witness on behalf of the Interveners, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Tyler:

p. 1188 Q. Will you state your name please, so the Court and everybody can hear it?
A. Velma Wooley.
Q. Miss or Mrs. A. Mrs.
Q. Where are you employed, Mrs. Wooley?
A. At the Bonnelly Garment Company.
Q. How long have you been employed there?
A. About ten years.
Q. In what capacity?
A. I am an operator.
Q. How long have you been an operator?
A. Ever since I have been there.
Q. Do you know Thelma Owens?
A. Yes, I did.
Q. Do you know whether she is a member of the International Ladies Garment Workers' Union? A. She is.
Q How do you know that?
A. She told us she was.
Q. Did you ever know of her doing any work for that union, picketing? A. Yes.
Q. Did you have any conversation with her in the spring of 1937? A. Yes.

p. 1189 Q. About what was the date of that conversation?
A. Well, it was in April. I am not positive of the date.
Q. And where was it?
A. 13th and Troost.
Q. Was it or was it not during the time that violence was occurring down around the Gordon, Gernes and Missouri Garment factories?

Objection—immaterial.

[fol. 5461] A. No, sir.

Q. Who was with you at the time of that conversation? A. Miss Fisher.
Q. The lady who has just finished testifying?
A. Yes.
Q. Was anyone else present except Mrs. Fisher, Thelma Owen, and yourself?
A. No.
Q. Will you tell the Court what Thelma Owen said in that conversation in connection with the Donnelly plant or in reference to the Donnelly plant?

Objection—immaterial.

A. Well, Miss Owen said she was going to give us a little warning. The following morning they were going to be down at the Donnelly plant, they were going to treat us worse than they had treated the other garment companies. She stated the busses would not do us any good. She also stated the busses would not do us any good. They would be upset. There would not be a car left on the the lot, that the tires would be cut. And she also stated that they were going to take Mrs. Donnelly, Mrs. Reed, "for a ride"; she said they were going to take Miss Hyde, Ella May Hyde—and Mrs. Wherry for a one way ride. And she said Miss White was her meat, she wanted to have her all to herself. That is about all the conversation.

p. 1190

Q. Who is Mrs. White?

Objection—immaterial.

A. Miss White is an instructor at the Donnelly Garment Company.
Q. Who is Ella May Hyde?

Objection—immaterial.

A. She is in the employment office at the Donnelly Garment Company.
Q. And was at that time?

Objection—immaterial.

A. Yes.
Q. Who is Mrs. Wherry?

Objection—immaterial.

A. Mrs. Wherry, at that time, was employed at the Donnelly Garment Company.
Q. Have you repeated substantially all of that conversation you can remember?

Objection—immaterial.

[fol. 5462] A. Yes.
Q. Did you hear any statements or rumors about boycotting the Donnelly product, what they manufacture?

Objection—immaterial.

A. Yes. Just talk is all.
Q. What was said?

Objection—immaterial.

A. Well, I really just overheard conversations is all. I don't remember them well enough to repeat them.
Q. Would you remember who said them?

Objection—immaterial.

A. No, I wouldn't. It was just general conversation I heard.
Q. What was the general attitude of mind of the employees at the Donnelly plant during the disturbances down at the Gordon and Gernes plants?

Objection—immaterial and incompetent.

A. Well, they really were frightened and didn't
p. 1191 want that to happen to us.
Q. Did you join the Donnelly Garment Workers' Union?
A. Yes.
Q. What was your reason for joining?
A. Well, to afford ourselves protection from an outside union.
Q. What outside union?

A. The International Ladies Garment Workers' Union.

Q. Was that your actual genuine choice for yourself, or were you influenced by some pressure from somewhere to join the Donnelly Garment Workers' Union?

Objection—immaterial.

A. It was my own choice. There was no pressure whatsoever from anyone.

Q. Did you ever hear of any speed up system at the Donnelly plant?

Objection—immaterial.

A. No, I didn't.

Q. Any caste system?

Objection—immaterial.

[fol. 5463] A. No.

Q. Has your health ever broken down from working down there?

Objection—immaterial.

A. No, it hasn't.

Q. Have you ever seen any of the girls fainting and breaking down from being driven by hard and rapid work down there?

Objection—immaterial.

A. No, I haven't.

Q. What is the general condition as to working conditions in that plant?

Objection—immaterial.

A. Very good.

[fol. 5464] Exhibit (f)

WALTER HIGGINS called as a witness on behalf of the Interveners, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Tyler:

p. 1192 Q. State your name, please.
A. Walter Higgins.
Q. Where are you employed?
A. Donnelly Garment Company.
Q. Kansas City, Missouri? A. That is right.
Q. In what connection? A. Mechanic.
Q. How long have you been employed there?
A. Well, a little over five years now.
Q. Always as a mechanic, during that time?
A. Yes, sir.
Q. Where were you employed before you were employed at the Donnelly plant?
A. Well, I was employed for a good many years by the McKee Manufacturing Company, Fort Scott.
Q. Fort Scott, Kansas? A. Yes.
Q. In what capacity there?
A. Just as I left there, I had been superintendent of the factory for about fifteen years. Previous to that time, I was a mechanic.
Q. Can you compare working conditions in that factory with working conditions in the Donnelly plant?

Objection—immaterial.

A. Yes, sir.
Q. Please do so.

Objection—immaterial.

A. Conditions in the McKee factory were pretty good, I thought; but conditions in the Donnelly factory are much better than that.
p. 1193 Q. Did you see any incident connected with the picketing around the Gordon and Gernes plants in the spring of 1937?

Objection—immaterial.

A. Yes, sir.

Q. Tell the Court what it was.

Objection—immaterial.

A. Well, I live south of the factory, and it is necessary for me to ride the street car within a block of the Gordon, Garnes factories. From the street car every morning, I could see a crowd of people around the entrance there, and two or three police cars. But as that line was a block away from the street car line entrance, I couldn't see exactly what was going on. But every day there was some disturbance going on or the police wouldn't be there.

Q. Did you ever get over closer to the door than that?

Objection—immaterial.

[fol. 5465] A. No, sir.

Q. Tell the Court about how long they were used.

A. I don't remember the exact date the bus service was put in operation at Donnelly's, but it was about the middle of March during the time this disturbance was going on. I think that continued up until May some time. I don't remember just what the dates were.

Q. For what purpose were they used?

Objection—immaterial.

A. These busses were picking up our employees
p. 1194 at outlying points, and bringing them into the factory and unloading at the rear entrance. That was to protect our employees from any attack, about which we were getting threats daily.

Q. Did a great number of employees use them or only very few?

Objection—immaterial.

A. Yes, sir. They were nearly always loaded when they came in.

Q. What was the general reaction among the employees out there at the plant to the news of these difficulties down at the Gernes-Gordon Plants?

Objection—immaterial.

A. Naturally, they were very much disturbed, and greatly excited over those affairs; and as we had been getting reports that that was going to be done to us only in a much greater manner, we began to feel that we should have some protection of some kind. So we began to cast around to see what could be done, and I don't know who suggested the injunction, but the Gernes people were getting an injunction or had gotten an injunction. Naturally, that was brought up, so a number of people from our organization called on an attorney to see if we couldn't get an injunction. And that was done.

Q. Do you know whether any particular choice was made of people who would go to see the attorneys, or what just happened?

p. 1195 A. No, I don't think so. Objection and motion to strike the following: "As I say, they were all excited and grasping at any suggestion that might be made for self-protection,"—not responsive. (As I say, they were all excited and grasping at any suggestion that might be made for self-protection,) and the ones who were more popular naturally would be the ones that would take the responsibility. So I had not been there very long, but these others who had been there a number of years and were acquainted with more people, carried that suggestion.

Q. What else did the Donnelly employees do, if anything, as a result of the stories they were hearing?

Objection—immaterial and incompetent.

A. Well, as I say, they consulted this attorney, or some attorneys about an injunction for

their protection, and along about that time, the Wagner Act was being talked of, and along in April, the Supreme Court declared the Wagner Act valid. Then, these attorneys
[fol. 5466] that our people had talked to, talked to us in regard to the Wagner Act, and thought it would be a good idea if we organized our own union under the Wagner Act, and they thought that would put us in a much stronger position, as we would be under the Federal law then.

Q. Did you see any item in the paper in reference to Sylvia Hull, shortly before or about that time?

Objection—immaterial and incompetent.

A. Yes, about that time.

Q. What was the substance of that article?

Objection—immaterial and incompetent.

A. As I remember it, that Sylvia Hull was elected or appointed by somebody or some organization to represent the Donnelly Garment
p. 1196 Company at a convention to be held at Atlantic City. We didn't have any organization. I couldn't figure out just who elected her, and I don't think anybody else did.

Q. Did you ever hear of any meeting of any group of employees of the Donnelly plant, where they elected Sylvia Hull?

A. Never did.

Q. What effect did that news item have on the employees?

Objection—immaterial and incompetent.

A. That just set it all off.

Q. Why?

Objection—immaterial and incompetent.

A. Everybody was up in arms about it, wanted to know who was giving orders for our representation by the International. Naturally, that brought everything to a head, that we must

do something to protect ourselves in these jobs that we had.

Q. Why protect these jobs? Did you have any reason to believe you might lose your jobs?

Objection—immaterial and incompetent.

A. No, not necessarily that, but the jobs at the Donnelly Garment Company are jobs everybody tries to get, due to the wages and working conditions and congeniality of the people you work with there. No, we didn't want to lose those jobs, and we didn't want those conditions changed by any outside force.

Q. Had you or had you not heard any threats of boycotting the Donnelly product?

Objection—immaterial.

A. Yes, I had heard that talked some.

Q. Would or would not a successful boycott of the Donnelly product, in your mind, have any
p. 1197 effect on the employees holding their jobs?

Objection—immaterial and incompetent.

[fol. 5467] A. Absolutely.

Q. What explanation have you of that?

Objection—immaterial and incompetent.

A. I think it would boycott our product to such an extent, it would cut down our distribution, cut down our production, and some of us or all of us would be out of work.

Q. Do you know of any group of employees going to the police department about that time?

Objection—immaterial.

A. I have heard that.

Q. You were not a member of that group?

Objection—immaterial.

A. I don't know who they were. I knew it was done.

Q. Do you remember the meeting at which the Donnelly Garment Workers' Union was organized?

A. Yes, sir.

Q. What was the date of that?
A. April 27, 1937.
Q. Where was it held?
A. On the second floor of the Corrigan Building, 1828 Walnut.
Q. The same building the Donnelly Garment Company uses?
A. Yes, sir.
Q. Did or did not the Donnelly Garment Company at that time lease the room in which the organization meeting was held?
A. No, sir.
Q. What day did that meeting occur?
A. That was some time after 4:30; after our working hours anyway. Of course, our working hours are staggered a few minutes at a time.

p. 1198 Q. What?

[fol. 5468] p. 1198 A. Staggered. Some get off at four o'clock. In ten minutes, another bunch comes off. At 4:30, they are all off.

Q. Tell the Court the actual incidents that happened at that meeting.
A. We were notified this meeting was to be held. Naturally, excitement was running pretty high. We were going to be there and see if something could be done. We all went down to this meeting. Miss Todd presided. She talked a few minutes to us, told us one of those attorneys was there and would talk to us. Then she introduced Mr. Tyler. Mr. Tyler talked to us some, I believe he mentioned the injunction. Then he brought up the subject of the Wagner Act which had been declared valid, that is the time he said he thought we could organize our own union, under the Wagner Act, and be in a much stronger position. So, following that talk, the union was organized in an orderly manner, as it should be, and that, I would say, was the birth of the Donnelly Garment Workers' Union.

1336pp

Q. What else happened at that meeting? Were any votes taken?

A. Oh, yes.

Q. What were they?

A. As I say, it was organized in an orderly manner. The first vote taken was should we have a union or should we not have a union. The
p. 1199 vote was unanimous that we should have a union. Then we voted on the name of it. That was unanimous.

Q. Do you remember who suggested that name?

A. No, sir, I don't Mr. Tyler. I don't know whether it was Mr. Tyler or whether it was suggested from the floor. It might have been.

Q. Were any cards passed around?

A. Yes, sir.

Q. What were those cards about?

A. The cards stated that "I desire to become a member of the Donnelly Garment Workers Union"—something to that effect, and there was a line at the bottom where you could sign. When the cards were passed out, we were told not to sign them right at that time; Mr. Tyler was going to read some by-laws on the subject of a union, and then we could make up our minds whether we desired to become a member of this union, or whether we did not want to. That was left up to our own free will.

[fol. 5469] Q. Were the cards collected?

A. Yes, sir.

Q. By whom?

A. A number of the boys from the cutting room.

Q. Was the result announced.

A. I think it was in the next two or three days, I have forgotten how much time elapsed.

Q. What was that result?

A. I would say it was unanimous. There was 1,300 and some signatures there.

Q. How many employees were there at the plant at that time?

A. About 1335 or 1340.

p. 1200 Q. What about the balance who did not sign cards at the first meeting?

A. Some of them were out sick. Some of the men were out sick, and some of the men were on the road, or some other reason. In an organization that size, somebody might be out.

Q. Was Mrs. Reed present at that meeting?

A. No, sir.

Q. Has Mrs. Reed ever been present at a meeting of the Donnelly Garment Workers Union to your knowledge?

A. No, sir.

Q. She probably addressed the employees at other times, is that correct?

A. Oh, yes. She has talked to us.

Q. But you never saw her at any meeting of the Donnelly Garment Workers' Union.

A. No, sir, that is right.

[fol. 5470] Q. Was anybody there with the right to employ or discharge employees, so far as you saw? A. No, sir.

Q. Did you hear of any effort to force people to join that union? A. No, sir.

Q. Was the question of whether they wanted to form a union or not left up to their judgment, was that the understanding you got?

A. I think that was clear to everybody, Mr. Tyler.

Q. Do you remember who were elected as a committee of employees to represent the members of the union at that meeting?

p. 1201 A. Well, I could probably name some of them. There was Hobart Atherton, Rose Todd, Miss Casey, Marjorie Green. I believe that is about all I can remember now.

Q. You were not elected were you?

A. No, sir.

Q. Have you ever held an office in connection with the Donnelly Garment Workers' Union?

A. I do now.

Q. What office?

A. I represent the mechanical department.

Q. On what?

A. Just as—we call them a "chairman".

Q. You are a member of the Executive Committee as representing that department?
A. That is right.
Q. And when did you take that office?
A. Last May, I believe.

[fol. 5471] Q. Have you or have you not endeavored to exercise your best judgment in endeavoring to secure for the employees such benefits as you feel they are entitled to in that office?
A. Yes, sir.
Q. Tell the Court what you have done in connection with the membership on that board?
A. We have our executive committee meetings twice a month on the first and third Tuesday. At those meetings which are not so very long, sometimes, anything that comes up in the factory that should be attended to, that should be straightened out by our union is taken up, talked about, and taken through those chan-

p. 1202 nels; and party that is supposed to be talked to is taken up with, and those differences are straightened out.

We also have parties and dances. Those things come up at those meetings, just as a regular executive meeting, the business of any organization body.

Q. Have you paid any attention to the financial condition of the Donnelly Garment Workers' Union?
A. Yes, sir.
Q. What are their sources of income?
A. Dues, 25c a month per person; and early in the organization we had an assessment, and we had one the other day; we give parties and dances, carnivals, such things as that. Anything that can be made a profit on legally or in the right manner.
Q. Did you ever get as much as a dime from any of your employers by way of contribution?
A. No, sir.
Q. What are the principal items of expense?

A. The officers—I mean by that, the chairman and secretary and treasurer get a nominal sum. We pay our hall rent. We have to hire chairs to take care of our meetings. We pay that, and expenses of these parties and dances and such items as that.

Q. Legal expenses?

A. Oh, yes.

Q. Printing expense? A. Yes, sir.

[fol. 5472] Q. Rent for the room?

A. Yes, sir.

p. 1203 Q. Who fixes the piece prices in the Donnelly plant?

A. We have a department where Mrs. Nichols and Mrs. Spallito, or is it Miss Spallito, I don't know which is correct, go over these garments and fix the piece work rates. Then they are handed to Miss Todd, who is familiar with that kind of work from past ex-

p. 1204 perience and she passes on it. If there is any difference afterwards, it is taken up with our committee, and the affair straightened out, and everybody is satisfied.

Q. Has your committee given actual consideration to that situation?

A. Yes, sir.

Q. What would you say as to whether the rights of the employees were being protected by these people who handle this work?

A. I think all parties were satisfied with the result.

Q. Do you have any knowledge of an affidavit circulated at the plant during the last two weeks? A. Yes, sir.

Q. Did you sign it? A. I did.

Q. Did you sign it as an expression of your actual belief, or did you sign it under any pressure of any kind?

Objection—immaterial.

A. No. It was my own free will, to sign or not to sign, which I chose to do.

Q. Did you see anybody put under any pressure or inducement to sign it?

Objection—immaterial.

A. No, sir.

Q. State to the Court what your experience indicates as to the general conditions at the Donnelly plant as to health?

Objection—immaterial.

[fol. 5473] A. I don't believe the conditions at the Donnelly plant as to health could be improved. We have good light. The building is situated so we have good air. That is, there are no large buildings around us. We have maid and
p. 1205 porter service continuously. That is, they take care of the wash rooms, keep the floors clean. We have, of course, medical service right there. Two nurses are on duty all the time with the necessary hospital equipment. So I don't believe that they could be improved upon.

Q. How about hot water?

Objection—immaterial.

A. At all times.

Q. What kind of mechanical equipment do you have with which to work down there?

Objection—immaterial.

A. We have sewing machines of various types, on various operations—I mean the operations—as most people know a sewing machine is a machine with one needle, sewing a straight row of stitching. We have special machines also that do special kind of work.

Q. What is the condition of the equipment you have to work with as to whether it is good or bad?

Objection—immaterial.

A. It must be in first class shape at all times.

Q. What kind of material is furnished you with which to work?

Objection—immaterial.

A. The best we can buy.

Q. Did you ever hear of anybody being put under any pressure or inducement from the employers, or anybody representing the employers, to take any part in the Donnelly Garment Workers' Union?

Objection—immaterial.

A. No, sir.

Q. Did you ever know of anybody being discriminated against down there by reason of any union connection?

A. No, sir.

p. 1206 Q. If Mrs. Reed or somebody representing the employer were to try to bring any pressure on you to dissolve that union, what would your response be?

Objection—immaterial.

A. In all due respect to Mrs. Reed, I couldn't do that. I have an obligation with my fellow workers that I have to observe too.

[fol. 5474] Exhibit (g)

ORA WACHTEL called as a witness on behalf of the Interveners, having been duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Patton:

p. 1207 Q. State your name, please. A. Ora Wachtel.

Q. Where do you live, Mrs. Wachtel?

A. 2312 East 11th.

Q. That is in Kansas City, Missouri?

A. Yes, sir.

Q. And what is your occupation?

A. I work for the Donnelly Garment Company.

Q. How long have you been with them?

A. Eleven years.
Q. What work do you do there?
A. Through the busy season I assist on the floor; in slack season I am an operator.
Q. Were you with the Donnelly Garment Company in March, 1937? A. Yes, sir.
Q. How far is the Donnelly plant from the plants of the Gordon, Gernes, and Missouri Garment Companies?

Objection—immaterial.

A. I should say seven or eight blocks; I don't know just how far.
Q. Did you see any excitement up there in the street?

Objection—immaterial.

A. I did not.
Q. You did not see anything?

Objection—immaterial.

A. No, sir.
Q. Did you hear any talk in the plant in March, 1937 and thereafter about strike trouble at those plants?

Objection—immaterial and incompetent.

A. Yes, there was lots of trouble.

Objection and motion to strike—not responsive.

p. 1208 Q. What did you hear?

Objection—immaterial and incompetent.

A. That those plants were—that trouble they were having over there, and that they were going to organize the Donnelly Garment Company.
Q. Did you read anything in the papers about labor trouble at those plants?

Objection—immaterial and incompetent.

A. Yes, sir.
Q. What did you read?

Objection—immaterial and incompetent.

A. Well, just the fight they were having over there; there were pictures and pieces in the
[fol. 5475] paper about the fight they were having over there, and the patrol wagon, and such things as that going on.

Q. Tell the court in your own words what the effect of that was upon the employees at the Donnelly plant.

Objection—immaterial and incompetent.

A. It caused a lot of excitement and confusion down there; everyone was worried.

Q. Do you know of anything that the employees did as the result of the rumors, what they read in the newspapers? Do you remember whether they had any meetings?

Objection—immaterial and incompetent.

A. Yes, they had meetings.

Q. What was the first meeting you recall?

A. In March there was a meeting.

Q. And what did they discuss at that meeting?

A. What kind of protection we could get and if there could be an injunction.

Q. Did they agree upon anything at that time to do?

A. No, they didn't.

Q. Nothing was agreed on? A. No.

Q. Do you know whether Mrs. Reed was invited to speak at that meeting?

A. I think she was, yes.

Q. Did she have anything to say?

A. Yes, she talked.

Q. With respect as to whether she would do what she could to protect the girls?

A. Yes, she said she would do everything she could to protect us and that she would not be scared into forcing her employees into joining anything they did not want to join.

[fol. 5476] Q. Did she tell you you were free to do anything you wanted to do? A. She did.

Q. You remember that she said that?
A. She did.
Q. How long before the union was organized did this meeting take place?
A. About six weeks.
Q. Now, you say that the meeting came to no agreement as to what could be or should be done?
A. No, I don't think so.
Q. Did you know anything about anybody going to see Director Higgins of the Police Department?

Objection—immaterial.

A. I heard talk of it; I didn't know anything about it myself.
Q. Did you see anything in the paper about it?
A. Yes, I read the piece in the paper.
Q. Did you learn anything from the newspapers about Mr. Perlstein or in any other way?
A. Just this piece in the paper that he was coming to Kansas City to establish his office and organize the Donnelly Garment Company.
Q. Did you see that in the paper?
A. I did.
p. 1210 Q. Do you know about what time that appeared in the paper?
A. Well, that was along the last of April or the first of March; I mean the last of March or the first of April. I beg your pardon.
Q. Did you know anything about any employees going to see any lawyers?
[fol. 5477] A. I heard talk of that, yes.
Q. Did you see anything in the paper about Sylvia Hull? A. Yes.
Q. Describe what was said in the paper.

Objection—immaterial and incompetent.

A. Well, it said that she was elected to represent the Donnelly employees at the convention.
Q. Did that increase the uneasiness among the Donnelly employees?

Objection—immaterial and incompetent.

A. Yes, a whole lot.
Q. Do you recall whether they held a meeting sometime after that?
A. Yes, there was a meeting.
Q. How long after that?
A. Well, about, I should say within a week.
Q. Do you remember the date?
A. The meeting was held the 27th day of April.
Q. Were you there? A. Yes.
Q. How many employees would you say were there, roughly?
A. Well, I should say we were all there.
Q. And did you see anybody representing the management of either the Donnelly Garment Company or the Donnelly Sales Company there? A. No, I did not.
p. 1211 Q. You did not see Mrs. Reed there?
A. No, sir.
Q. Tell us now in your own words what happened at that meeting?
[fol. 5478] A. Well, a group or committee had been to the lawyers and had the lawyer come talk to us that day. Miss Todd, she was in charge of the meeting and she got up and talked and explained to us that she had the lawyer there to tell us what we could do. The lawyer got up and talked to us and explained to us the Wagner Act which had become a law, and told us we could have our own employees' union under the Wagner Act, and then we voted that we have a union. Everybody voted yes. There was no "Nos". And then there was a nominating committee appointed by Miss Todd and instructed to select a chairman for each division in the factory, and they were voted and elected.
Q. What was said, if anything, with reference to a name for your organization?
A. I don't know who suggested the name but it was suggested and voted.
Q. And how was the vote on that, if you recall?

A. Everybody voted yes.

Q. Do you remember whether they were any cards passed? A. Yes, sir.

Q. Do you recall what was on the cards?

A. Something to the effect that we agreed to become charter members of the Donnelly Garment Workers' Union and abide by its by-laws.

Q. Do you recall anything that was said in connection with handing out those cards?

A. Well, we were instructed to take our time and make up our minds, to make up our minds as we pleased on that; to wait until the next day and take them home and talk to anyone we wanted to talk to about it, and take our time, to make up our minds before we signed that card.

Q. Was anything said one way or the other to the effect that you were free to join or not join, just as you saw fit?

A. Sir, sir, there was.

Q. Just tell what was said.

[fol. 5479] p. 1212 A. Just said there was no one forcing us to do this; it was of our own free will, if we wanted to sign that cards we could do that of our own free will.

Q. Did Mr. Tyler say anything about whether or not you were at liberty to do as you pleased about forming a union or joining it?

A. He did; he said he was there to explain the law to us.

Q. Did he make it clear that you were at liberty to do just as you pleased on his recommendation? A. Yes.

Q. Were you named as a member of the executive committee? A. No, I was not.

Q. Have you ever been a member of the executive committee? A. No.

Q. What is your minimum wage, for the employees in your group?

Objection—immaterial.

A. When I work on the floor I receive $30.00 a week.

Q. Is that the minimum or is that the average earnings that you make.

Objection—immaterial.

A. That is my wage.

Q. You sometimes do time work, do you?

Objection—immaterial.

p. 1213 A. Well, that is time work; that is my time work wage.

Q. You sometimes work as an operator, do you?

A. Yes, sir.

Q. And what wage group are you in? What is the minimum wage for operators?

A. $25.60.

Q. Do you average more than that?

A. Very often, yes.

[fol. 5480] Q. Did you talk with anybody who was interested in the picketing at the other plants?

Objection—immaterial.

A. No, I did not.

Q. Did you talk with any member of the ILGWU, that is the International Union, at any time?

A. Yes, they called me.

Objection and motion to strike—no identification as to person or time.

Q. Do you remember whether anything was ever said to you about a closed shop at the Donnelly plant by anybody in the International Union?

Objection—immaterial.

A. Yes.

Q. Just tell what was said.

Objection—immaterial.

A. Well, they called on me and told me that they were going to organize Donnelly's and everyone would have to belong to the union, the International Union.

Objection and motion to strike—no identification as to person or time.

Q. What does ur husband do, Mrs. Wachtel?

Objection—immaterial.

A. At that time my husband was running a store, a grocery.

Q. What kind of a store?

Objection—immaterial.

A. A grocery store.

Q. Whereabouts?

Objection—immaterial.

A. In Fairmount.

Q. That is a suburban town to Kansas City, Missouri?

Objection—immaterial.

A. Yes, sir.

Q. Was anything said about your husband's business in any way?

Objection—immaterial and incompetent and no identification as to person or time.

p. 1214 A. Yes, they asked me if we did not have quite a few Ford and Chevrolet employees trading with us in our store, and I told we did and they wanted to know if I knew that they could boycott our store through those employees.

Objection and motion to strike—no identification as to person or time.

[fol. 5481] Q. What was the object in telling you those things, as you understood it?

Objection—immaterial and incompetent and no identification as to person or time.

A. Well, I presume they wanted to scare me.

Q. Scare you into doing what?

Objection—immaterial and incompetent and no identification as to person or time.

A. Joining their union.
Q. Now, Mrs. Wachtel, how long have you been in the Donnelly plant?
A. Eleven years.
Q. In all the time you have been there do you know of or have you heard of any act or word by Mrs. Reed or anybody in managerial position down there tending to discourage anybody from joining a union or encouraging them to join any union? A. No, sir.
Q. You never heard of any pressure being put upon anybody with respect to union matters, have you? A. No, sir.
Q. Do you ever know of anybody being discriminated against because they were a member of a union? A. Never.
Q. You joined the Donnelly Garment Workers' Union, did you? A. Yes, sir, I did.
Q. And you did that freely and voluntarily?

Objection—immaterial and self-serving.

A. Freely and voluntarily.
Q. Have you had any occasion to regret that act?

Objection—immaterial and self-serving.

A. I have not.
Q. Do you prefer that union over the International?

Objection—immaterial and self-serving.

A. Well, yes; I do.
Q. What reasons have you?

Objection—immaterial and self-serving.

A. Well, I can make more money with Donnelly's than I can with the International shop; the
[fol. 5482] conditions are good and we are satisfied,—I am satisfied.
Q. I don't recall, did you say whether you had worked at any other shop?
A. No, I have not.

Q. What is the general condition as to the health of the women that work at the Donnelly plant?

Objection—immaterial.

A. I should say good.
Q. Are they happy?

Objection—immaterial and incompetent.

A. They appear to be, yes sir.
Q. Do you know of any of them having nervous breakdowns?
A. I do not.

Objection—immaterial.

Q. Have you ever heard of any woman there having a nervous breakdown?

Objection—immaterial.

A. I never did.
Q. Do you know what the speed up system is?

Objection—immaterial.

A. Yes.
Q. Is there any speedup system at the Donnelly plant?

Objection—immaterial.

A. There is not.
Q. Have you ever heard of a caste system down there?

Objection—immaterial.

A. Never.

[fol. 5483] Exhibit (h)

ANNA REECE, called as a witness on behalf of the Interveners, having been first duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Patten:
Q. Your name is Anna Reece? A. Yes.
Q. You live where?

A. 2616 East 9th, Kansas City, Missouri.
Q. And what do you do?
A. I am an operator at the Donnelly Garment Company.
Q. How long have you been there?
A. Almost 12 years.
Q. Have you ever worked at any other garment plant?
A. No, I never worked at any other garment place.
Q. Do you recall the labor trouble involving garment plants in Kansas City in March, 1937?

p. 1225 Objection—immaterial and incompetent.

A. Yes, I do.
Q. Did you see any of it yourself?

Objection—immaterial and incompetent.

A. No, I was never over there.
Q. What all did you learn about it?

Objection—immaterial and incompetent.

A. Well, just through newspaper items and from the talk around the plant that there was fights, and riding the buses with girls who were in the picket line over there, and hearing them talk.

[fol. 5484] p. 1225 Q. What, for instance, did you hear said?

Objection—immaterial and incompetent.

A. Well, there was one little girl that was working over there that I had known before she went over there to work, and she was forced to go in the picket line, I knew, against her own will. She told me that she was frightened to death but she was getting $1.00 a day for doing that and she had to do it, she had two little children and she had no way to get anything else to do.

Objection and motion to strike—no identification of person or time.

Q. She was actually in the picket line?

Objection—immaterial and incompetent.

A. Absolutely.

Q. Did you hear that anything had been said with reference to the Donnelly plant?

Objection—immaterial and incompetent.

A. I beg your pardon?

Q. Did you hear any threats or talk among the workers at the Donnelly plant?

A. Yes, that was common talk. No one ever threatened me, Objection and motion to strike the following: "but we went down there each morning expecting to be molested,"—not responsive. (but we went down there each morning expecting to be molested.)

Q. Did you know the name of the organization that was sponsoring or conducting these strikes of these other plants?

Objection—immaterial and incompetent.

A. Yes, the International.

Q. Do you know the rest of the name?

Objection—immaterial and incompetent.

p. 1226 A. The International Ladies' Garment Workers' Union.

Q. Did you read the papers at that time?

Objection—immaterial and incompetent.

A. Yes, I did.

Q. Did you learn the name of any man in authority in that union there from reading the papers?

Objection—immaterial and incompetent.

A. Mr. Perlstein.

Q. What did you see in the papers about Mr. Perlstein?

Objection—immaterial and incompetent.

A. Well, along in the early part of the year, that was about the first, when we first became uneasy, we saw that he had to come to Kansas City and set up an office I believe here with

[fol. 5485] p. 1226 the idea that he was going to organize the Donnelly Garment Company, and later

after he had them organized he was going to call a strike.

Q. What effect did the newspaper items and the talk about what was happening at the other plants have upon the other employes?

Objection—immaterial and incompetent.

A. Naturally, it upset them greatly; nothing else was talked about morning, noon and night, and even when we were trying to work it kept the girls very uneasy.

Q. Was there any spirit of fear?

Objection—immaterial and incompetent.

A. I was afraid; I don't know whether anyone else was. Yes, we were afraid of being molested.

Q. Did you hear any talk about whether or not you could protect yourselves?

Objection—immaterial and incompetent.

A. I don't think I know just what you mean.

Q. Did you hear any talk as to whether or not the Donnelly Garment workers could attempt to protect themselves?

Objection—immaterial and incompetent.

A. Well, we were asked not to fight; they tried to protect us by getting the buses. Is that what you mean?

p. 1227 Q. No, I mean among the employes, did they talk about what they might do to protect themselves from similar trouble?

Objection—immaterial and incompetent.

A. Well, we knew that some people in the factory had gone to interview the police to see whether or not we could get protection. In fact I went to see some of them myself. I believe it was along in April we went down and interviewed the Chief of Police and told him just how we were trying to get back and forth to work and get in and out of our place of business, and I will admit we were rather skeptical whether we would get some protec-

tion or not, although he did promise us that he would give us protection.

Objection, motion to strike—not responsive.

Q. Did you know of any number of people in the Donnelly plant who were in sympathy with the cause of the International.

Objection—immaterial.

A. No, I didn't.

Q. You did not hear of any?

Objection—immaterial and incompetent.

A. No.

Q. Do you know whether any meetings were held among the Donnelly employes?

[fol. 5486] p. 1227 A. Yes, there were meetings held; I cannot remember just exactly where, but I think probably around the middle of March I think is the first meeting that we had.

Q. And what was discussed at that meeting?

A. Protection was the big idea among all the employes, how we were going to be able to go back and forth to work, like we had always done, and also an injunction, I think; there was some talk of an injunction I think, but there was really nothing done at the meeting.

p. 1228 It was an open meeting of employes and employes were all asked to talk and express there views about what they thought they would like to have done and what could be done, but as I remember there was nothing definite done at that meeting.

Q. Was there any leadership from that meeting, leadership of the employes that you know of?

A. No.

Q. Did anybody act as a leader at that meeting?

A. Miss Todd was chairman of the meeting, yes.

Q. Did she tell you anything she was going to do?

A. Well, I don't remember exactly at that meeting that she did, but I do know that she with some other people had gone down to interview some law firm; I didn't know just who.

Q. Did you read that Sylvia Hull news item in the newspaper?

Objection—immaterial and incompetent.

A. Yes, I did.

Q. What effect did that have with respect to the excitement in the plant?

Objection—immaterial and incompetent.

A. It sort of came out of a clear sky, we read it in the paper one morning and I think everyone was rather as I was, they didn't even suspect such a thing.

Q. Was there another meeting held either before or after that time.

A. Yes, there was another meeting the 27th of April when we organized our union.

Q. That was the meeting at which the Donnelly Garment Workers' Union was organized?

[fol. 5487] p. 1228 A. Yes, it was.

Q. Now, tell us briefly what you remember of that meeting.

A. Well, I remember that Miss Todd was in charge of the meeting and that Mr. Tyler,

p. 1229 who was a member of the firm that had been engaged was there, and he explained the Wagner Act to us and told us that now we could go ahead and form our employes' union which would be probably a safe thing if we cared to do it, but it was left entirely up to the employes to do as they chose and after him explaining that Miss Todd outlined a form so we could have our representatives for the union. I think she appointed five people who left the room and were to bring back the names of nine people who were to act as group chairmen to represent the whole factory after our union was formed and while they were out Mr. Tyler read a set of by-laws which had been drawn up for the approval, if the union was formed.

Q. Did you join the union? A. Yes, I did.

Q. Are you still a member? A. I am.

Q. Would you like to join any other union?

Objection—immaterial and self-serving.

A. I certainly would not.

Q. Did you hear any talk among the employes of the possibility that the Donnelly products might be boycotted by the International?

Objection—immaterial and incompetent.

A. Yes, I heard that (and it disturbed the people greatly because we knew that if that was done it could hurt our production and naturally that is what we look forward to, the more production we have the more work we have or better work we have, and we were very anxious that that not take place, because it was bound to hurt production.)

Objection and motion to strike—not responsive.

Q. Did you ever hear or know of anything or anyone in authority at the Donnelly plant
p. 1230 ever saying or doing anything that would indicate that they objected to labor unions?

A. No.

Q. Did you ever hear of anybody being discriminated against because they were a member of a labor union?

A. No, I did not.

Q. What are the working conditions at the plant
[fol. 5488] with respect to the comfort of the women?

p. 1230 Objection—immaterial.

A. Well, I think that they could not be better. We have a clean, sanitary place to work; we have good wash rooms, we have maid service, janitor service, two registered nurses in charge, we have lighting and ventilation, and the chairs,—we have adjustable chairs to sit on at our machines; we have Venetian blinds at the windows.

Q. Plenty of air at all times?

Objection—immaterial.

A. Plenty of air; we have fans in the summer, and the heat in the winter is always good, and hot and cold water.

Q. Could you suggest any way it could be improved?

Objection—immaterial.

A. I think I could not. I do not know of anything; it is almost as comfortable as home.

Q. Has it been that way as long as you can recall?

Objection—immaterial.

A. Yes, the 12 years I have been there.

Q. You know nothing about any speed-up system, do you, or do you not?

Objection—immaterial.

A. I do not; our work is brought to us and left in a box by the side of us and we do it as we come to it, and lay it behind us when we are
p. 1231 through and it is taken away; wherever it goes, we pay no attention to that either, and there is no set amount to be there for us at any time.

Mr. Patten: That is all.

(Witness excused).

(Thereupon Court stood at recess until 2:00 o'clock p. m.)

[fol. 5489] Exhibit (i)

Friday, April 7, 1939
2:00 p. m.

(Pursuant to recess, Court reconvened and the trial resumed.)

Harold Boyd, called as a witness on behalf of the Interveners, having been duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Patten:

p. 1232 Q. State your name, please.

A. Harold Boyd.

Q. Where do you live?

A. 3003 Parallel, Kansas City, Kansas.

Q. What is your occupation?
A. I am a cutter.
Q. Cutter in a garment factory? A. Yes, sir.
Q. How long have you been a cutter, garment cutter?
A. As a cutter for the last thirty years.
Q. By whom are you employed?
A. Approximately the last seven years I have been employed by the Donnelly Garment Company. I worked for the Miller Manufacturing Company when they were here; The Burham-Munger-Root plant and the Pyke Manufacturing Company of Salt Lake City.
Q. You are a cutter now for the Donnelly Garment Company. A. I am.
Q. Did you see anything of the labor troubles at other garment plants in the spring of 1937?

Objection—immaterial.

p. 1233 A. I did not.
Q. You were at the Donnelly plant during that time or a portion of it, were you?

Objection—immaterial.

A. I was.
Q. Did you read the newspapers?

Objection—immaterial.

A. I did.
Q. Did you hear the talk among the employes of the Donnelly Company?

Objection—immaterial and incompetent.

A. Regarding the labor trouble?
Q. Yes.

Objection—immaterial and incompetent.

A. Yes, I did.
[fol. 5490] Q. Tell in your own words what you read and what you heard and what the state of mind was among the employees in the plant?

Objection—immaterial and incompetent.

A. Well, we read of the strike down there and the picketing and rioting and what protection they might be getting down there and it just naturally threw the whole plant into a frame of mind down there that they just didn't know what to expect from the reports we got and naturally we wanted to get some way, some protection.

Q. Do you know what was done looking towards getting protection?

Objection—immaterial.

A. Well, they had that meeting down there, although I was not there at the time; I was on my vacation.

Objection, move to strike—not responsive.

Q. What meeting was that?

Objection—immaterial and incompetent.

A. When they formed this employes union.

Q. Let us go back before that a little bit. Did you hear any threats made against the Donnelly plant?

Objection—immaterial and incompetent.

p. 1234 A. Just hearsay.

Q. Did you read anything in the paper about the Donnelly plant in connection with this labor disturbance?

Objection—immaterial and incompetent.

A. Well, there was an article that Mr. Perlstein was starting an office here, that he was going to organize them and all that; that is as far as it got.

Q. Did you know anything about a committee going to see Director Higgins?

Objection—immaterial and incompetent.

A. I remember when they went, although I didn't go.

Q. What was the general opinion among the Donnelly workers with respect to the International Ladies' Garment Workers' Union?

Objection—immaterial and incompetent.

A. They did not want them in there.
Q. You say you were not there at the time of organization meeting?
A. No, I was on my vacation.
Q. Did you see an article in the paper that concerned Sylvia Hull?

Objection—immaterial and incompetent.

[fol. 5491] p. 1234 A. I did.
Q. About when was that?

Objection—immaterial and incompetent.

A. That was in the spring of 1937, along around the middle of April, the 22nd I believe.
Q. Was that before you had gone on your vacation?

Objection—immaterial and incompetent.

A. Just before, the week before.
Q. What did that article say?

Objection—immaterial and incompetent.

A. It stated she had been chosen as a delegate
p. 1235 to the National Convention of the International Ladies' Garment Workers' Union to represent the employees of the Donnelly Garment Company.
Q. Did that article have any effect on the employes at the plant?

Objection—immaterial and incompetent.

A. It created quite a bit of unrest down there.
Q. Did you see in connection with this excitement any reports that the International might contemplate a boycott of the Donnelly product?

Objection—immaterial and incompetent.

A. Just hearsay is all; I heard no direct comment on it.

Q. But you heard the employes talking about it, did you?

Objection—immaterial and incompetent.

A. I did.

Q. Now, Mr. Boyd, did you join the Donnelly Garment Workers' Union?

A. I did when I came back from my vacation.

Q. Did you join as your voluntary act?

Objection—immaterial and self-serving.

A. Of my own accord.

Q. If you had it to do over again would you join any other union.

Objection—immaterial and self-serving.

A. If the plant was that way that would just depend but as far as Donnellys are concerned I would not.

[fol. 5492] Q. Have you any belief or have you heard anything said that would indicate to your mind that Mrs. Reed or any of the Donnelly management is opposed to any labor union?

A. No, I have not.

Q. Have you at all times understood while you were there, if you have thought about it at all, that you were free to join or not join any labor union as you wished?

p. 1236

A. That's right.

Q. You said you had been in a number of other garment plants as a garment cutter over a period of thirty years, I think?

A. Yes.

Q. How does the wage scale in the Donnelly plant compare with other plants in which you have worked?

Objection—immaterial and incompetent.

A. Considerably higher.

Mr. Patten: That is all, Mr. Boyd.

Mr. Walsh: That is all.

(Witness Excused).

[fol. 5493] Exhibit (j)

EMILY F. MILES, called as a witness on behalf of the Interveners, having been duly sworn, was examined, testified as follows:

Direct Examination.

By Mr. Tyler:

p. 1257 Q. Will you state your name, please, Miss Miles?

A. Emily Miles.

Q. You are a public stenographer?

A. Yes, sir.

Q. And have been in Kansas City for a number of years.

A. That is correct.

Q. Were you the official stenographer on the occasion of the trial of the case of Donnelly Garment Company versus International Ladies' Garment Workers' Union in which the Donnelly Garment Workers Union was intervener in the United States District Court on the occasion of the three judge trial?

A. I do not know as you can call it official reporter; Judge Otis, before whom the case originally appeared, appointed me under Rule 30 to act as his official. Then when the matter came up before the three-judge court I continued to act under that appointment.

Q. And did you take a stenographic record of the opening addresses made at that trial?

A. I did.

Q. Do you have that record with you?

A. I have my office copy.

p. 1258 Q. This document is your office copy of the stenographic notes taken at that trial?

A. Yes, sir.

Q. I will show you page 57 and the first part of page 58 between the small red check marks. Is that a correct copy of a part of the opening address of Mr. Tyler at that trial?

A. Yes.

Q. Will you read that to the Court, Miss Miles?

Objection—immaterial and self-serving.

A. This is the paragraph: "If this Court should deem it proper, I am going to make an offer on behalf of this union, if there is any doubt that this union represents the overwhelming, genuine desire of these employees to be left alone by these outside unions and to make their own bargains through their own committee with their employer, we will agree that this Court name a Master today or tomorrow who will go down there and hold an election just as promptly as he can under such circumstances as to make it certain that each employee can express his true opinion without any fear that it will ever be known, or without any fear of any reprisal, and if that election does not overwhelmingly establish their desire to operate their own union, then I know nothing about understanding the people I deal with."

[fol. 5494]

p. 1259

Objection and motion to strike—immaterial and self-serving.

[fol. 5495] Exhibit (k)

Eunice Corum, called as a witness on behalf of the Interveners' having been duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Tyler:

p. 1263 Q. State you name please?
A. Eunice Corum.
Q. It is Miss or Mrs.? A. Mrs.
Q. Where are you employed?
A. At the Donnelly Garment Company.
Q. Kansas City, Missouri? A. Yes, sir.
Q. How long have you been employed there?
A. I have been employed there six years altogether; I was out four years and back to now.

Q. What other garment plants in Kansas City, if any, have you been employed at?

A. At the Gernes Garment Company.

Q. At what time was your employment at the Gernes Garment Company?

A. Well, I have been back here two years which was 1937; from 1933 to 1937.

Q. Were you or were you not employed at the Gernes Garment Company during the spring of 1937 when the labor troubles were going on at that plant?

Objection—immaterial.

A. I was.

Q. Did you have any personal experiences in connection with that labor trouble?

Objection—immaterial.

A. Yes, sir.

p. 1264 Q. Tell the Court what they were?

Objection—immaterial.

A. Well, we went down on the 17th day of March, 1937 as usual to go to work; when we got there we could not get in the front door, there were pickets around there; we stood around in the cold; we tried to get Mr. Gernes down there and he did finally come and some way by persuasion or somehow he got us in the building that day and then when we went out that night there were pickets out there and they let us go on without harming us in any way and the next morning when we came back it was the same thing only worse; it continued that way and we drove cars there, —I drove my own car but I was warned that I better not drive it, that I would not have any tires left and the windows would be broken and I quit driving my car, and Mr.

[fol. 5496] Gernes insisted that we come in, if we did not get in before two or three o'clock he wanted us to be in the building. Well, we would meet at the Union Station or anywhere around and

we would call a taxi, get in there, get up to the building; we had to go in then at the back entrance through the freight elevator and when we would drive up there of course there would be more than one in the car; we would try to go together and the police would get out there and they would open the door and they would just let one come out at a time so we might be able to run through and when they would say "Jump" we would jump and start to run and I have seen the girls
p. 1265 caught and knocked down, their hats lost and their purses thrown over in the street and kicked and go in upstairs and when they would finally get in they were bleeding and just so nervous it would be hours before they could go to work. I got by fairly well for three or four days and then they caught me one morning and when they grabbed me the police grabbed me and in such a way he held my hands down to my body and they got me by the hair of my head and my hat and they beat me over the shoulders and over the head and stepped on my feet and I never did get my hat and the next day I wasn't able to go to work, I was black and blue all over my shoulders, and my head and I was a nervous wreck. I went down the next day and got in. As I say he asked us to come in if we didn't get in before two or three o'clock it would be all right, just so we got in. We got in and he was trying to keep his plant open; it seemed as though he was uptown negotiating with these other folks, signing us up in this union so we went on like that for a day or two and every evening he would be back before going out time and he would say "well, I talked with Mrs. Tobin today and Mrs. Perlstein and I think it is going to be all right, they are not so much interested in us as they are these other two; however, I think we are going to come out all right;" and that went on for a day or two more. On the next day

I went into work and the last morning it was so bad I don't believe any of the girls got
p. 1266 in the building at all; there were girls had big nuts and bolts in their hands—I saw this, I saw one woman knocked completely out on the sidewalk and they had to take her to the hospital and I didn't try to get in any more; I just felt that I would wait until it was over for I did not feel I could take any more of it. I went to the country for a day or two while this was on and when I came back I saw in the paper that he had signed up so when I went back to work they told me that I belonged to the union. Well, I knew that I had not signed up and I did not feel like I belonged to it so I went to Mr. Gernes and I told him that I did not want to belong to it and how had he done that; that I felt like I was capable of joining or staying out of the union if I didn't want to go into it but he joined us in so I told him I was going to quit, gave him notice that I was quitting that Friday. Well, he insisted that I stay. He said "Now, we are going to have more business, times will be better, we are not going to have to do this; we have got some sort of a special session that we won't have to strike, go out on the street and carry on;" but I quit and he said "Well, there is no use of your going to the Donnelly Garment
[fol. 5497] Company because I was just up to their office with Mr. Perlstein and the lawyer and we have got"—I think he said $250,000.00 to fight Donnellys "and we are going to organize them." So I quit. I quit there the 17th day of April and came to work at Donnellys
p. 1267 on the 19th day of April.

Q. About how many pickets were there around the plant during the days of the trouble you have spoken of?

Objection—immaterial.

A. Of a morning I could not just judge when they were so thick that we could not get

through and then they would get away a little bit around noon time and after and then in the evening they would be reenforced and in the evening there were lots of men there from these other plants.

Q. So you know anything about whether taxi drivers would or would not refuse to carry people down to that place of business?

Objection—immaterial.

A. I stopped two taxi cabs one morning to take me up there; they wanted to know where I was going and I said to 2617 Grand Avenue and they said "We are not going up there."

Q. What is your preference, Mrs. Corum, as to whether you belong to the Donnelly Garment Workers' Union or the International Ladies' Garment Workers' Union?

Objection—immaterial.

A. Well, I prefer this union because I—

Q. (Interrupting) What union do you mean by this union?

Objection—immaterial.

A. I mean the Donnelly Garment Workers' Union.

Q. Tell the Court why?

Objection—immaterial and self-serving.

A. Because of the peace of mind, the satisfaction of knowing that if I have any complaint or anything to make it is taken care of right there in the building; there is no question about whether they raise my wages; they
p. 1268 have raised them twice without asking and I prefer it because if I cannot get a raise in wages I would not have to go out on the street and fight or join up and come uptown and somebody fix my wages for me up here that does not know anything about it. We have women down there that have been op-

erators that fixes our wages and I am perfectly content in that and happy in it.

Q. I think I forgot to ask you whether or not the pickets around the Gernes plant during this disturbance made any statement as to their intentions in regard to the Donnelly plant?

[fol. 5498] A. We heard it as we came in and out all the time; "When we get these smaller places organized then we are all going over to the Donnelly Garment Company and organize them, put pickets around there."

Q. That was the pickets that you heard make those statements?

Objection—immaterial and incompetent.

A. Yes, sir.

Q. Do I understand that they were made frequently and many times?

Objection—immaterial and incompetent.

A. It was the talk, sure, all the talk.

Q. Did these pickets make that statement or statements like it many times?

Objection—immaterial and incompetent.

A. Yes, sir.

[fol. 5499] Exhibit (l)

ALMA MURPHY, called as a witness on behalf of the Interveners, having been duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Tyler:

p. 1269 Q. Will you state your name, please?

A. My name is Mrs. Alma Murphy.

Q. Where are you employed Mrs. Murphy?

A. By the Donnelly Garment Company.

Q. How long have you been with them?

A. A little over three years.

Q. And what capacity are you employed there?

A. Well, I am a straight sewer.

Q. Do you know Fern Sigler?
A. Not personally but I know her by sight.
Q. Do you know Miss Palmer?
A. I know her by sight; I saw her once.
Q. Did they ever call on you?

Objection—no identification as to time.

A. Yes, they called on me one evening.
Q. If they said anything about boycotting of the Donnelly plant tell the Court what they said?

Objection—immaterial and no time fixed.

A. They said that if—

The Court: (Interrupting) Who are they?

Q. Do you know whether Fern Sigler and Miss Palmer have any connection with the International Ladies' Garment Workers' Union?

p. 1270 A. Well, the evening that Miss Palmer and Mrs. Sigler called I did not let them in the first evening and the second time they called about a week later Fern Sigler and her husband, Mrs. Palmer was not with her the second time, and they told me that if I did not join their union that the Donnelly Garment goods, dresses, would be boycotted.

Objection and motion to strike—not responsive.

Mr. Tyler: Both of those ladies are defendants in this case, if the Court please.

The Court: That is what I wanted to know.

[fol. 5500] Q. What did they say about picketing, if anything?

Objection—immaterial and incompetent and no time fixed.

A. They asked me what I would do when I was pointed out as one of the girls that had boohed Sylvia Hull, what I would do when I walked out of the factory with about 500 pickets around me.
Q. What did they say about the possibility of you losing your job?

Objection—immaterial and incompetent and no time fixed.

A. They said if I didn't join their union I would be out of work and that if I really loved Nelly Don I would join their union.

Q. Are you a member of the Donnelly Garment Workers' Union?

A. Yes, sir.

Q. Did you join it of your own free will?

Objection—immaterial and self-serving.

A. Yes, I did.

Q. Do you prefer for yourself to belong to the Donnelly Garment Workers' Union?

A. Absolutely.

p. 1271 Q. Wait until I finish,—or the International Ladies' Garment Workers' Union?

Objection—immaterial and self-serving.

A. I do.

Q. You prefer to belong to which one?

Objection—immaterial and self-serving.

A. I prefer the Donnelly Garment Workers' Union.

Q. Tell the Court why?

Objection—immaterial and self-serving.

A. Well, we have good working conditions, we have good prices and privileges that they don't have at the other factories.

Mr. Tyler: That is all, thank you.

Mr. Walsh: That is all.

(Witness excused).

[fol. 5501] Exhibit (m)

Cameron Herold, called as a witness on behalf of the Interveners, having been duly sworn, was examined and testified as follows:

Direct Examination.

By Mr. Patton:

p. 1275 Q. State your name please?

A. Cameron Herold.

Q. Where do you live? A. 2600 Paseo.
Q. Kansas City, Missouri?
A. Kansas City, Missouri.
Q. What is your occupation?
A. I am in the filing department at the Donnelly Garment Company.
Q. How long have you been there?
A. A little over two years; about two years and four months.
Q. What did you do before that?
A. I was in school.
Q. Where did you go to school?
A. Westport High School, and Junior College.
Q. Were you working in the spring of 1937?
A. I was.
Q. Did you pass the plant where the Missouri, Gordon and Gernes Garment Companies were located on your way to and from your work?

Objection—immaterial.

A. Several mornings.
Q. And what did you see?

Objection—immaterial.

A. On the Oak Street entrance there were several pickets and there were a line of officers, two lines of officers that formed an aisle leading from the back door of the garment com-
p. 1276 panies there and girls would drive up in cabs or cars and one would run up at a time and try and get through and the girls would start kicking and shoving the officers and they acted like, well, they weren't civilized the way they acted. They would tear on their hair and they would kick them and they would pull them and then on one morning there were about 150 or 200 pickets in front of the Grand Avenue entrance; they had closed up the back entrance and I was standing across the street; (there were about 25 girls there that said that they worked in the company, Gernes and Gordon and they said that the policemen had told them that they could not guarantee

them any protection if they crossed the street and tried to get in.)

Objection, motion to strike—not responsive.

Q. Did you report what you had seen down at the Donnelly plant to the other employees?
A. I did, yes, sir.
Q. And did you hear any talk down there?

Objection—immaterial and incompetent.

[fol. 5502] A. Very much; they were all excited and well, just talked of what they would do if they would come down to Donnellys.
Q. Did you see anyone in the picket lines that you knew?

Objection—immaterial.

A. No, I didn't.
Q. Did you hear any threats made up there of any kind?

Objection—immaterial and incompetent and no identification of person or time.

A. I heard it a couple of times.
Q. What did you hear?

Objection—immaterial and incompetent and no identification of person or time.

A. That this is a sample of what Donnelly will get.
p. 1277 Q. Did you report that to your fellow employees?

Objection—immaterial and incompetent and no identification of person or time.

A. Yes.
Q. Did you read the newspapers during this period that the strike trouble was on?

Objection—immaterial.

A. I did.
Q. Did you see anything in the newspaper that was of interest to the Donnelly employees?

Objection—immaterial and incompetent.

A. I saw an article, I don't know what date it was, stating that the union at their meeting in Atlantic City had appropriated so many hundred thousand dollars to organize the Donnelly Garment Company.

Q. Do you remember any meeting of the Donnelly Garment Workers Union?

A. I do.

Q. Describe that meeting? How many meetings were there during this period that you can recall?

A. The first meeting was about the middle of March.

Q. And what was the subject of discussion at that meeting, if you recall?

[fol. 5503] A. Well, the general topic down at the Donnelly Garment Company was how and what they would do if they came down there and the people wanted to get together and find out or try to make some arrangement so they could do something and they went down to the meeting on the second floor.

Q. Did you hear an injunction talked about?

A. Yes, there was an injunction talked about.

Q. Did the meeting decide upon any plan of organized action?

p. 1278 A. No, they did not.

Q. What is the next thing you recall in connection with the strike or threatened strike at the Donnelly plant?

Objection—immaterial and incompetent.

A. We were given buses to ride to work on.

Q. And was that before or after the meeting you have just spoken of?

Objection—immaterial and incompetent.

A. After the meeting.

Q. Do you recall any other meetings?

A. The formation of the union.

Q. Do you recall anything that happened before or after the formation of the union with re-

spect to a newspaper report that you had a representative in the International organization?

A. I heard of it, I didn't read it.

Q. Did you know the sentiment of the employees at the Donnelly plant with respect to the International Ladies' Garment Workers' Union?

Objection—immaterial and incompetent.

A. I did.

Q. What was that sentiment?

Objection—immaterial and incompetent.

A. Not very high.

Q. Did you know anybody down there that wanted to become a member of that union?

Objection—immaterial and incompetent.

[fol. 5504] A. No, sir.

Q. Did you attend the organization meeting of the Donnelly Garment Workers' Union?

A. I did.

Q. And that was held I believe it has already been testified several times, about the 27th of April?

A. The 27th of April.

p. 1279 Q. Tell in your own words what happened there?

A. Mr. Tyler was introduced and by that time a committee had gone to him or some people asking him if they could get an injunction or for any way that they could be protected. Well, Mr. Tyler told us that the Wagner Act had been declared valid and his suggestion was we form a union of our own; that if we had 51 or over 51 percent of the employees that wanted to become members that the union would be valid under the law.

Q. Did you take any votes?

A. We voted on the name by standing vote.

Q. Was that vote all in favor or who suggested the name, do you recall?

A. They decided on Donnelly Garment Workers' Union; I don't know.

Q. Did you vote on whether the employees wanted a union? A. Yes.
Q. And how was that taken? A. All yes.
Q. Do you recall any white cards or any other cards?
A. There were cards passed out; I helped pass them out to the employees and they asked or stated on the card that they would like to become a member of the Donnelly Company Union.

[fol. 5505 Q. Was anything said to the meeting with respect of signing those cards, and if so what was it?
A. They signed them if they wanted to, if they wanted to become a member.

p. 1280 Q. Did you hear that said? A. I did.
Q. Did you sign one? A. I did.
Q. Was that your free and voluntary act?

Objection—immaterial and self-serving.

A. Yes, sir.
Q. Are you still a member?
A. Yes, sir.
Q. Have you ever been a member of the executive committee? A. No, sir.
Q. In all the time that you have been at the Donnelly plant did you ever hear or see or know of any act or word by the employers, Mrs. Reed or any of the officers of the company or anybody with authority to hire and discharge which would indicate that they did not approve of employees joining unions?
A. No.
Q. As between the Donnelly Garment Workers' Union and the International Ladies' Garment Workers' Union would you have any preference as to which one you would care to belong to?

Objection—immaterial.

A. Yes, sir.
Q. What would be your reason for that preference?

Objection—immaterial and self-serving.

A. I would most certainly take the Donnelly Garment Workers' Union. The International, their ways of trying to induce members into the union are unAmerican and I would not join it.

Mr. Tyler: That is all.

Mr. Walsh: That is all.

(Witness excused).

(N.R.A.—J.M.C. Exhibit 9.)

[fol. 5506] Extracts From Testimony of SYLVIA HULL, called as a witness on behalf of the defendants.

Direct Examination.

By Mr. Walsh:

p. 1737 Q. What is your name, please?
A. Sylvia Hull.
Q. And what is your age?
A. Thirty-two years old.
Q. Are you married or single? A. Married.
Q. Where do you reside? A. 3020 Poplar.
Q. How long have you lived at that place?
A. I think about five years.
Q. How long have you lived in Kansas City, Missouri? A. A little more than ten years.
Q. Where did you come from here?
A. We came from Flint, Michigan.
Q. Did you ever work for the Donnelly Garment Company? A. Yes, sir.
Q. During what period, please? For what length of time?
A. I was employed there for a period of eight years.
Q. What was the date of your employment, a original employment?
A. I started in the spring of 1929 and then I stayed there until the 23rd of April, 1937.
Q. Were you off at any time in the year 1933?
A. Yes, sir.
p. 1738 Q. For what period of time?
A. I was off seven months.

Q. And what was the date again please of your final separation from the Donnelly Garment Company? A. The 23rd of April, 1937.

* * *

p. 1739 Q. Did you join the International Ladies' Garment Workers' Union at any time?

A. Yes, sir.

Q. At what time did you join that union, Mrs. Hull? A. The 23rd of March, 1934.

Q. And where did you join?

[fol. 5507] A. At my home.

Q. And who was present when you joined?

A. Miss Jane Palmer.

Q. Any person else?

A. My husband was there and I don't remember whether there was anyone else there or not.

Q. Thereafter did you attend a meeting of the union? A. No. sir.

Q. Did you meet with a committee of the union prior to the Atlantic City convention?

Respondent moves to strike the second answer below because it was stricken by the court (see p. 1740)—Denied J.C.B.

p. 1740 A. Well, I met with Mr. Perlstein and Miss Palmer and we had just been told—I had been told by Miss Palmer when I joined the union that we —

Senator Reed: (Interrupting) That is not responsive to any question.

The Court: I cannot tell.

A. I had been told at that time that we could not have union meetings because she said that before when they tried to organize the company sent out spies to report on the girls who attended the meeting so therefore we had no union meetings.

Q. Did you or did you not ask that your membership be kept secret?

A. I did.

Q. Did you afterwards attend the convention at Atlantic City? A. I did.

p. 1741 Q. Did you attend a meeting of the International Ladies' Garment Workers' Union at Atlantic City?

[fol. 5508] A. Yes, sir.

Q. At that time, prior to your going to Atlantic City was it made known in any way or discovered in any way that you were a member of the International?

A. Yes, sir.

Q. Was there any comment, did you have any experience at the Donnelly plant prior to going to Atlantic City? A. Yes, sir.

Q. State what that experience was?

A. Well, I was called down to the Muehlebach Hotel and I talked to Mr. Perlstein there; he asked me if I would like to go as a delegate to the convention to represent our girls in the union and at that time I had not thought much about it and I did not decide that night but the next day my husband called Mr. Perlstein and told him I had decided that I would go. Then that night in the Journal-Post there was an announcement that I would go to the convention as a delegate.

Q. Did you meet with the girls of any other union before you went down there or did you first meet with them when you went down there?

A. I don't understand what you mean.

Q. Were there other ladies that belonged to the union at that time, the International Ladies' Garment Workers' Union?

p. 1742 A. I only knew one girl at that time that was a member.

Q. From Donnelly's?

A. Yes, sir.

Q. But were there other girls belonging to the union that attended the meeting at Atlantic City?

[fol. 5509] A. Yes, sir.

Senator Reed: Does Mr. Walsh mean that belonged to this union that this lady belonged to or belonged to other unions?

Mr. Walsh: Belonged to the International Ladies' Garment Workers' Union, were there other ladies outside of the Donnelly shop?

A. Yes, sir.
Q. And did you meet with them?
A. Yes, sir.
Q. I will ask you to look at Interveners' Exhibit No. 8 and state whether or not that is the article that you saw in the Journal-Post?
A. I believe it is.
Q. Now, how long prior to the meeting at Atlantic City did this notice appear in the Journal-Post?
A. Well, I think the notice was in the paper the 22nd of April, the best I remember but I did not think there was as much in it as there is in that.
Q. This seems to be March 24, 1937.
A. Then that could not be the one because as I remember it, in this note it stated that I had been selected to go to the convention.

p. 1743 Mr. Hogsett: Didn't you inadvertently misstate that Mr. Walsh? Wasn't it April?

Mr. Walsh: 4-22. That would be April.

Q. Now, after that announcement was made was there anything said to you at the shop about it?

Respondent objects to question as calling for hearsay.—Denied J.C.B.

A. Yes, sir.
Q. How soon was it after the announcement was made?

Respondent objects to question and moves to strike answer as hearsay, immaterial, not binding on respondent.—Denied J.C.B.

[fol. 5610] A. The announcement was made, as I remember on the 22nd of April. Then the next morning I went into work, and when I got to the shop I showed my pass at the door; we had to have a pass to get in and I showed that to the man at the door and he didn't ask me any questions or anything, just let me go on in. Then I went up on the elevator to the 7th floor and I changed my clothes there on the 7th floor and I could hear girls talking around in the shop at that time and there was one girl—she came up and she said "What is this I see in the paper about you", so I didn't say anything, I just laughed about it and she said well, that she was afraid for me to go in there because she didn't know what the girls would do to me.

Q. To go in where?

Respondent makes same objection — Denied— J. C. B.

A. On to my floor to work.

Q. Did you go in anyway?

A. Yes, sir.

Q. And did you go to work?

A. Yes, sir.

Q. How long did you work there that day before there was anything further said about your membership in the union?

Respondent makes same objection. — Denied— J. C. B.

p. 1744 A. Well, they turned the power on and I started working in my section; then just a little while after that there was a group of girls came over and they started talking about the union.

Q. Were you running your machine at the time?

Respondent makes same objection. — Denied— J. C. B.

A. Yes, sir.